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USD News Print Media Coverage

April 2002

USD News Print Media Coverage April 2002

USD American Indian Festival and Social Issues Conference

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USD American Indian Festival
and
Social Issues Conference

Navajo code talker to speak at American Indian festival

By Chet Barfield
STAFF WRITER

The first time he came to San Diego, in April 1943, Albert Smith was a 15-year-old boy who had never ventured beyond the sandstone bluffs of western New Mexico, a boy who was raised shearing sheep and attending boarding schools on the Navajo Reservation.

A boy who lied about his age to join the Marines.

After boot camp in San Diego and special training at Camp Pendleton, Smith and a teen-age brother who enlisted with him became part

of an elite group of American Indian soldiers in World War II.

All they had to do was speak their native language and stay alive.

That second part was a challenge at times. An artillery shell struck next to Smith once, during his first amphibious landing on the Marshall Islands. Miraculously, it failed to explode.

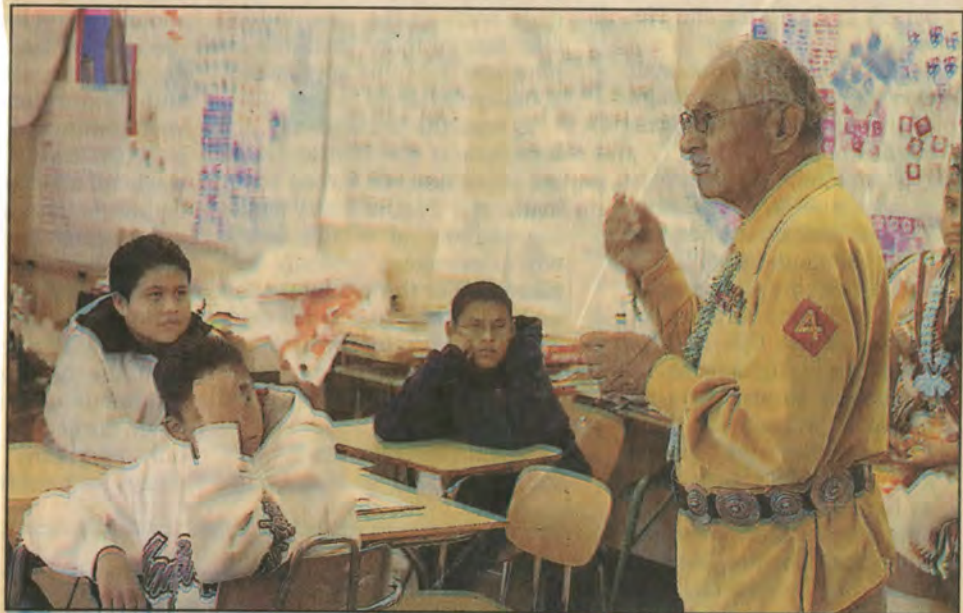
"There were some tight spots where I didn't know if I could get out of it," said Smith, a veteran of what came to be known as the Navajo Code Talkers. "Some things happened that I knew somebody was looking over my shoulder."

Serving from jungle battle-grounds to high command posts, the 420 code talkers were infantry soldiers who doubled as radio operators, speaking Navajo to confound the Japanese. Their story is the subject of an MGM movie, "Windtalkers," scheduled to be released this summer.

Smith, 74, was a consultant on the film.

After the war, he spent 40 years as an educator in Colorado, Alaska, Oregon and New Mexico. Since retiring in 1989, he has traveled all

SEE **Navajo, B3**



Albert Smith, in the uniform of the Navajo Code Talkers, spoke to junior high students in Gallup, N.M., in December. He explained the significance of the colors in the uniform. Smith was a code talker in World War II. Jeffery Jones / The Gallup Independent

► NAVAJO

CONTINUED FROM PAGE B1

200 of the 420 Indians from WWII still alive

over the country. Talking to audiences that range from scientists to school children, Smith shares what he learned as a soldier, a code talker and a Navajo.

That's what he'll do Friday as a featured speaker at a four-day American Indian festival at the University of San Diego. The event, Thursday through Sunday, includes a variety of cultural and artistic presentations. An itinerary is on the Web site www.sandiego.edu/indianfestival.

From his home in Gallup, N.M., Smith said he lectures about the code and how Navajo spirituality has influenced his perspective on the war and events since then.

"I don't really talk much about combat," he said. "You're leaving out the smell of war, the taste of war, the feeling of war. When you're doing that, you're not doing justice to your experiences."

The code, developed in 1942, used the Navajo language to encrypt messages. "Tank" could be spelled out with Navajo words for "tooth," "ant," "needle" and "kettle" or "turkey," "apple," "nose" and "key."

Some terms had military in-

terpretations. Birds were planes — "owl" was an observation craft, "eagle" a transport; fish were ships — "whale" was a battleship, "shark" a destroyer.

A Defense Department fact sheet credits the code talkers with being instrumental in the war effort.

"Were it not for the Navajos, the Marines would not have taken Iwo Jima," one commander is quoted as saying,

"There were some tight spots where I didn't know if I could get out of it. Some things happened that I knew somebody was looking over my shoulder."

Albert Smith

adding that his six code talkers worked around the clock in the early days of the battle for the Pacific island. "Those six sent and received over 800 messages, all without error," the fact sheet states.

Smith said his experience taught him the importance of words people use. He wonders, for example, whether children

might fare better if they weren't called "kids," a term for a young animal.

He also wonders whether the school shootings in recent years might stem from misguided teen yearnings for the "taste, smell and touch of war."

Smith said most of the code talkers survived WWII, and about 200 are still alive. Many came back to the reservation, which spans parts of Arizona, New Mexico and Utah. Almost all are members of an association Smith led for 11 years, until the mid-1990s.

After decades of obscurity, Smith and the other code talkers received a presidential commendation in 1981. Eleven years later, in September 1992, an exhibit of their photos and memorabilia, blessed by prayers and songs of spiritual elders, was dedicated in an emotional ceremony at the Pentagon.

Smith and many of his colleagues were in Washington that day for what they considered a great honor, an acknowledgment that the contributions of the code talkers — and the Navajo tribe — were worthy of public recognition.

"Whoever goes in there, when they see the displays, they would renew the idea that they haven't been forgotten, that our spiritual ways are still with them," he said. "It would not be lost."

Chet Barfield: (619) 542-4572;
chet.barfield@uniontrib.com



Albert Smith displayed a flag that was signed by Japanese cast members in the yet-to-be released movie "Windtalkers," about the Navajo Code Talkers. Jeffery Jones / The Gallup Independent

SAN DIEGO UNION-TRIBUNE

**SAN DIEGO, CA
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Navajo 'code talkers' part of Indian festival

An American Indian festival today through Sunday at the University of San Diego is offering a bonus for people interested in the Navajo "code talkers" of World War II.

In addition to Friday's 9 a.m. lecture by Albert Smith, one of the Navajo-speaking Marine Corps radiomen during the war, attendees over the weekend can meet actor Roger Willie, who portrays a code talker in the upcoming motion picture "Windtalkers."

Smith and Willie, both Navajos, will be at a code-talkers booth Saturday and Sunday.

The USD festival, most of which is free and open to the public, will focus on American Indian culture, art and political issues. Additional information can be obtained by calling the university at (619) 260-4600 or visiting the festival's Web site (www.sandiego.edu/indianfestival).

SAN DIEGO UNION-TRIBUNE

**SAN DIEGO, CA
FRIDAY 374,133
APR 19 2002**



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Weekend

4154
• **NATIVE AMERICAN CULTURE:** More than 60 of the nation's best Indian artists will display weavings, pottery, sculpture and Kachina dolls this weekend as part of USD's American Indian Celebration: An Educational Festival & Marketplace. Also, code talker Albert Smith will be present, along with Roger Willie, one of the co-stars of the upcoming film

"Windtalkers." The movie is about the code talkers who relayed secret messages during World War II. Clips of the film will be shown. There will also be music, storytelling and dance. The free event runs from 9 a.m. to 5:30 p.m. tomorrow and 9:30 a.m. to 5:30 p.m. Sunday at USD, in Linda Vista. For more information, call (619) 260-4238 or visit www.sandiego.edu/indianfestival.

SAN DIEGO UNION-TRIBUNE

**SAN DIEGO, CA
SATURDAY 374,133
APR 20 2002**



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STUFF TO BRING TO THE
TABLE THIS WEEK

What's happenin'

The University of San Diego hosts its first American Indian Celebration: An Educational Festival & Marketplace this weekend.

Children can learn about Indian culture through storytelling, music, dance and art. There also will be a marketplace of Indian pottery, sculpture, jewelry and other art. World War II Navajo Code Talker Albert Smith will be at the celebration, explaining how the Code Talkers used their language to relay secret messages during the battles of World War II. Activities begin at 9 a.m. today (9:30 a.m. tomorrow) and continue to 5:30 p.m. both days. All events are free and take place at the USD campus, 5998 Alcala Park in Linda Vista. For a full schedule of events go to www.sandiego.edu/indianfestival or call (619) 260-4238.

San Diego Reader
Thurs., April 4

"American Indian Celebration: A Festival and Marketplace" is planned in April at the University of San Diego. In conjunction with the event, award-winning jewelry designer Gail Bird from the Laguna and Santo Domingo Pueblos will examine "The Evolution of Indian Craft Markets to Juried Art Shows" today, Thursday, April 4, at 7 p.m., in room 168/169 of USD's Joan B. Kroc Institute for Peace and Justice; the campus is found at 5998 Alcalá Park. 619-260-4238. Free. (LINDA VISTA)

San Diego Union-Tribune
Night & Day
Thursday, April 4

April 18-21, 2002

Thursday & Friday

**Lectures &
Workshops**

Saturday & Sunday

**Marketplace &
Entertainment**

Open to the Public

Free Attendance

**1st American Indian
Festival & Marketplace**



University of San Diego

5998 Alcalá Park • San Diego

www.sandiego.edu/indianfestival/

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THE SAN DIEGO UNION-TRIBUNE / APRIL 11, 2002

April 18-21, 2002

Thursday & Friday

**Lectures &
Workshops**

Saturday & Sunday

**Marketplace &
Entertainment**

Open to the Public

Free Attendance

1st American Indian Festival & Marketplace

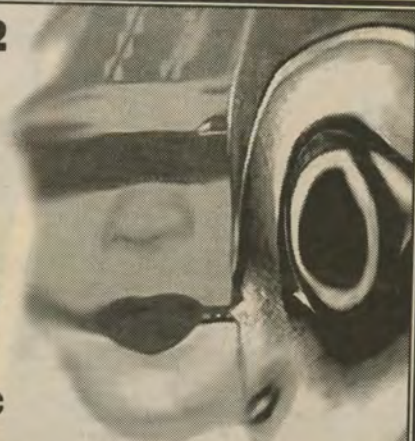


University of San Diego

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Southern Cross

Bulletin Board

Native American Speakers

Native American Indian activist Winona LaDuke and Albert Smith, one of the World War II Navajo Code Talkers, will headline the 13th annual Social Issues Conference and first American Indian Celebration: Festival and Marketplace at the University of San Diego, April 18-21. For more info, visit www.SanDiego.edu/indianfestival or call (619) 260-4798.

APRIL 11, 2002

"What Christians (and Others) Could Learn from Hinduism" is the topic when Lance Nelson speaks on Wednesday, April 17, at 10 a.m., in Manchester Conference Center at University of San Diego (5998 Alcalá Park). Free. Call 619-260-4815 to make the required reservations. (LINDA VISTA)

"The Scales of Our Universe" provide the subject when Alberto Lopez from the Universidad Nacional Autónoma de México speaks for the Eyes on the Universe series at Reuben H. Fleet Science Center on Wednesday, April 17, at 7 p.m. Guests will learn how the entire galaxy may be influenced by stellar planetary remnants. Admission is \$6.75 general. 619-238-1233. (BALBOA PARK)

In the Running for the California State Poet Laureate Job, writer and UCSD professor Quincy Troupe speaks for the San Diego Independent Scholars on Wednesday, April 17. The group meets at 7:30 p.m. in room 111A of the Chancellor's Complex at UCSD. Call 760-945-3583 for information. Free. (LA JOLLA)

Art Biz, learn how to present yourself as a professional artist when Lauren Becker focuses on "The Business of Being an Artist" on Wednesday, April 17, 6 to 9 p.m., at the Arts College International (840 G Street).

Stop looking like a flaky artist! Participants will hear about résumés, creating a good portfolio, how to gain gallery representation, and more. The fee is \$38. Call 619-231-3900 to register. (EAST VILLAGE)

Whaddaya Know About E-Commerce? Learn about web design and web hosting for business sites, online sales catalogs and transactions, and website promotion when Mike Alberga presents a seminar on e-commerce. The lecture starts at 6 p.m. on Wednesday, April 17, in the second-floor computer lab at the San Diego Public Library (820 E Street). For reservations, call 619-238-6630. (DOWNTOWN)

"The Shape of Science" is the subject when Diane Hoffoss speaks for the spring 2002 science lecture series at the University of San Diego on Wednesday, April 17. Also on the program: Michel Boudrias (marine studies) and Jim Bolender (chemistry) focus on "Baja Experience." The program begins at 7 p.m. in the auditorium of the Manchester Con-

ference Center; find the campus at 5998 Alcalá Park. Free. Call 619-260-7454 for information. (LINDA VISTA)

Just How Do You Make the New Baby Part of the Pack? Animal behavior and training expert Madeline Gabriel leads "Dogs and Babies: Play It Safe" on Thursday, April 18, at 5:30 p.m., at the Golden Paw (5305 Metro Street, suite A). New and expectant parents will learn how to incorporate the family dog and new babies into a happy and safe home environment. The fee is \$15. To make the required reservations, call 619-299-7012 x249. (LINDA VISTA)

"Floral Art" is the subject when San Diego Museum of Art docent Kathleen Stivan tours the museum's collections, highlighting flower imagery, on Thursday, April 18, at 6 p.m. The lecture is included in regular museum admission. 619-696-1966. (BALBOA PARK)

"Practicing Peace and Justice" is the theme for the 13th annual University of San Diego Social Issues Conference on April 18 and 19. The conference includes workshops on legal and social issues focusing on Indian veterans' concerns, border environmental and work issues, and slavery reparations. Keynote speakers include Native American activist Winona LaDuke, Navajo code talker Albert Smith, and University of Indianapolis professor Gregory Reinhardt.

Events take place from 5 to 9:30 p.m. on Thursday and 8 a.m. to 3:45 p.m. on Friday in Hahn University Center; find the campus at 5998 Alcalá Park. Workshops are free. To make the suggested advance reservations, call 619-260-4798. (LINDA VISTA)

Are Homeschooled Children Properly Socialized? Of course, says homeschooling maven Connie Colten, who is publishing *Homeschool Reflections* in the fall. Colten will lead a discussion group on the subject on Thursday, April 18, 10 a.m. to noon, at Dancing Unlimited (4569 30th Street). The fee is \$10 in advance, \$15 at the door. To reserve a spot, call 619-562-0867. (NORMAL HEIGHTS)

Open Studio Life Drawing classes are offered on Thursdays, beginning on April 18, at 6:30 p.m., at the Del Mar Art Center (1555 Camino del Mar at 15th Street). Bring your own art supplies; the fee is \$10. For more information, call 858-481-1678. (DEL MAR)

"The Latest Finds in the Turkana Basin" will be illuminated when paleontologist Louise Leakey speaks on

The Vista
Thursday, April 11, 2002

Native American artist enlightens University



KYLA LACKIE

Robert Hewson, a Native American artist brought his talents to the University in the making of an artistic representation of the legend telling how light came to the world. Hewson's art will be on display later this month.

By Chris Bresky

STAFF WRITER

For the past six weeks, an unfamiliar face has been seen through the halls of Founders and the May Gallery. Perhaps spotted hard at work, hunched over inside the Native American Art display room, this stranger never turns away an inquisitive visitor.

His name is Robert Hewson, a Native American artist of the Tsimpsean Nation from British Columbia. He has been commissioned by USD to create a wooden story panel to be displayed within the May Gallery. The title of the piece is "Raven Brings Light to the World."

The image is inspired from the Native American tale of how light was brought to the universe. The Raven is a sacred spirit to the Tsimpsean Nation and many Northwestern Tribes, Hewson explained. "You could compare him with the angel

Michael I suppose," Hewson said.

The legend tells of a world before light where Raven flies down from the heavens in spiritual form when he hears weeping emanating from the world below. The weeping is for the chief's son who has recently passed away. Perching in the rafters of the lodge, the Spirit of Raven views the wake with curiosity. The chief hears a rustling in the rafters and goes to investigate the commotion.

Desperately seeking a place to hide, the Spirit of Raven leaps into the body of the chief's son before he is caught. With Raven's Spirit inside the boy, the chief's son's body comes to life. Filled with joy, the chief immediately throws an enormous feast to celebrate the new life of his previously dead son.

It must be understood that Raven, being a supernatural being, does not require food, rest, or any of the basic human necessities. When the chief offers his

son some of the immense feast Raven cannot decline, for it is an insult to deny an offering in your own honor. The moment the food touches the tongue of Raven he takes on human characteristics and begins to hunger. Raven begins to eat massive amounts of food and doesn't stop.

Even after the ceremony is over he continues to eat the entire tribe out of house and home. Not wishing to offend the chief of his son the members of the tribe realize they need to say something. They tell the chief the problem, which he quickly realizes, and they all decide to send the boy away on a journey. To bring along on his trip they give him stones, seeds, fish eggs and a cloak of transformation, made of raven skin. So the Spirit of Raven flew went on his journey and when he came to a great expanse of water he dawned the cloak and flew above it. When he was tired he threw some of the rocks into the water and they became islands.

Having the human characteris-

tic of an appetite he became hungry before long. He planted the seeds to grow food and scattered the fish eggs in the water to catch it. Although the tribe had sent Raven away, he appreciated all that they had done for him and wished to honor them with a gift. He had always heard of the Great Chief in the hole in the sky and the ball of light which he kept in his lodge. He would get it and bring it to the people so they might see the land in which they live.

Flying up to through the hole Raven found that he could not enter the lodge of the Great Chief. His only hope was with the chief's daughter who went to the stream outside the lodge every day to drink. One day while the daughter dipped her bucket into the stream Raven transformed into an oak leaf and was caught up in her scoop.

When she drank the stream water she accidentally swallowed

Please see **Art**, page 3

continued from **Art**, page 1

the leaf. Now inside the Great Chief's daughter, Raven turned into a baby and grew very fast. The daughter soon had the child and Raven continued to grow rapidly. In no time he was a toddler and from exploring the chief's den he discovered where he kept the sun. It was in a locked box in the far corner of the room. The spirit began to make a tantrum and pounded and stomped the ground.

"From the Earth, people hear this as thunder and say: There is another giant throwing a fit," Hewson said.

Each day the Raven would continue these fits of frustration

until one day the Great Chief gave him the sun to play with so he would quiet down. Raven would play with the sun and the next day follow the same routine.

As the days passed, Raven would inch closer to the door for each tantrum until one day he ran, clutching the sun in his hand. He ran to where he hid the cloak of transformation and turned into the form of the Raven again and flew out of the hole in the sky and back down to earth.

He landed at the mouth of the Skeena River in British Columbia and happened upon some frog peoples fishing there for Ooligans. Raven was extremely hungry and being the sly trick-

ster he was, offered them a bit of sunshine so they could see what they were fishing. In exchange, he asked for a few fish to eat.

The frog people knew of the Raven's tricks and deceitful ways and did not offer him any food.

Frustrated and tired of carrying the heavy box with the sun in it, he flung it into the sky where it is 'til this day.

The sun picked up the wind and began to blow strongly, sweeping all the frogs out into sea.

They were flung onto a rock and dried into rocks themselves by the sun and can be seen even now in British Columbia.

"It's a little bit of a double meaning," Hewson said.

"Raven brings light to the world and this piece is enlightening many about Native American culture."

Robert Hewson has been commissioned on many other artworks as well as the one at the University of San Diego.

Hewson's panel should be completed by the April 18 and will be installed on April 21.

He has also, for three years, been crafting art for the Seattle Aquarium.

Hewson has also created works for the U.S. synchronized swimming team.

Unlike those of his past, his trait was not passed down to him from elders in his community.

In the Tsimpshian Nation, Hewson holds the honorable rank of Killer Whale Clan. Shamans, medicine men and natives of a high rank are typically the only ones allowed to create such works.

Shamans would create them for a ceremony or on occasion be commissioned to carve one for a house to signify power of the individual.

"I would say [I am a shaman]," Hewson said.

"I believe everyone has a degree of shamanism in them. Each walks with his own power, his own spirit that they control."

College of Arts and Sciences

4154

San Diego Builds New Training Ground for Scientists

By Coreen Petti

In a matter of months, Southern California will have a new, technologically sophisticated training ground for scientists — the University of San Diego's Center for Science and Technology.

Scheduled to open in Spring 2003, the 150,000-square-foot Center will play a vital role in the health of the San Diego regional economy — which is increasingly reliant on a science-literate workforce — by producing graduates with a hands-on understanding of fundamental scientific principles.

"We have alumni in every corner of the high-tech economy," said USD President Alice B. Hayes. "In the next half-century, more than 50,000 students will use the Center and its resources. Local firms like Qualcomm Inc. and ISIS Pharmaceuticals have hired scores of our students in recent years. The Center will allow us to do even more to help provide the skilled personnel needed to turn basic research into commercial products."

The Center for Science and Technology at USD will encompass the latest developments in education and technology, and is designed to prepare young men and women for roles in biotechnology, the medical professions, research and education. The leaders of San Diego's high tech industries have praised the new Center as a much-needed complement to their corporations.

"The importance of the availability of skilled professionals to work in high technology industries cannot be over-emphasized," said William Owens, former president of Science Applications International Corporation. "The development of this science career 'pipeline' could not be more appropriate for our part of the country and for companies such as SAIC."

The Center will contain more than 70 laboratories for chemistry, biology, marine science, environmental studies, bio-chemistry, physics and related sciences. Specialized labs will be built for electron microscopy, nuclear magnetic resonance imaging, laser experimentation and chemistry computer modeling. The labs are designed in modular format for maximum flexibility and range of use, and the state-of-the-art equipment will showcase emerging technology and allow students to build science proficiency and perform advanced research.

Also included in the facility are aquariums, an astronomy deck, a green-house, and conference areas to accommodate gatherings of science-related groups and organizations.

A slew of high-tech tools were purchased for the Science Center with a grant funded by NASA. The equipment includes a high-temperature ceramic superconductor, a geographic information system, a global positioning system, portable telescopes, a digital telescope camera, a wave tank, a weather station and an atomic absorption spectrometer for testing water samples.

The Center will continue USD's traditional emphasis on collaborative, investigative learning and the team approach to research. A focus on

strong written and oral communication skills will prepare students for the challenges of the workplace, and involvement with experimental design and data analysis in upper division labs, faculty research, and internships will promote the development of critical reasoning and problem-solving skills.

"The Center's mission is the training of future scientists and technologists, and the education of future citizens," said Curtis Loer, biology professor. "USD provides direct involvement of

students in research at the lab bench and in the field — in many cases, that is the only way to learn how science is really done."

Construction of the Center, estimated to cost \$47 million, is being funded through a combination of government grants and gifts from corporations, private benefactors, foundations, USD alumni and friends. The building was designed by the architectural firm of Carrier Johnson and is being constructed by Rudolph and Sletten, the same company that built USD's

Joan B. Kroc Institute for Peace and Justice.

Author Coreen Petti, USD's director of corporate relations and strategic partnerships, heads the corporate sponsorship campaign for the Center for Science and Technology. For information on sponsorship, call (619) 260-4690 or e-mail cpetti@sandiego.edu. For information on the Center for Science and Technology, contact the University of San Diego's Office of Development at (619) 260-4820.

SAN DIEGO BUSINESS JOURNAL

SAN DIEGO, CA
WEEKLY 20,000
APR 22 2002

Postmodernism and pedophilia

By Anne Hendershott 4154

As the storm surrounding the abuse scandals within the Catholic Church continues to rage, we are confronted with what appears to be a paradox.

The furor over the abuse of power by homosexual priests — most of whom have engaged in sexual relationships with teen-age boys — suggests that our cultural norms about the sexual abuse of minors are fully intact. Yet, at the same time as the panic surrounding the pedophile priest grows, a parallel movement has begun to redefine pedophilia as the more innocuous "intergenerational sexual intimacy."

The coming publication of "Harmful to Minors: The Perils of Protecting Children from Sex" by the University of Minnesota Press promises a "a radical, refreshing and long overdue reassessment of how we think and act about children's and teens' sexuality." In published interviews on the University of Minnesota's Web site, author Judith Levine decries the fact that there are people "pushing a conservative religious agenda that would deny minors access to sexual expression" and adds that "We do have to protect children from real dangers. But that doesn't mean protecting some fantasy of their sexual innocence."

Indeed, this redefinition of childhood innocence as "fantasy" is key to the defining down of the deviance of pedophilia. Drawing upon the language of postmodern theory, those working to redefine pedophilia are first redefining childhood by claiming that "childhood" is not a biological given. Rather, it is "socially constructed — a historically produced social object." Such deconstruction has resulted from the efforts of a powerful advocacy community supported by uni-

versity affiliated scholars and a growing number of writers, researchers and publishers willing to question the once taboo behavior.

One of the most often-cited sources is "Male Intergenerational Intimacy: Historical Socio-Psychological and Legal Perspectives." This collection of readings by scholars — some with U.S. university affiliations, provides a powerful argument for what they now call "intergenerational intimacy." One contributor, Ken Plummer, writes that "we can no longer assume that childhood is a time of innocence simply because of the chronological age of the child. In fact, 'A child of seven may have built an elaborate set of sexual understandings and codes which would baffle many adults.'"

Claiming to draw upon the theoretical work of the new social historians, the socialist-feminists, the Foucauldians and "constructionist" sociologists, Plummer promises to build a "new and fruitful approach to sexuality and children." Within this new perspective, there is no assumption of linear sexual development — no real "childhood," only an externally imposed definition. He concludes, as do the contributors to the volume, that there should be "greater flexibility than is usually thought" regarding sex with very young children.

Decrying "essentialist views of sexuality," these authors attempt to remove the "essentialist" barriers of childhood. This opens the door for the postmodern pedophile to see such behavior as part of the politics of transgression. No longer deviants, they are simply "border crossers."

David Thorstad, former president of New York's Gay Activists Alliance and a founding member of the North American Man/Boy Love Association (NAMBLA), writes that "boy-love occurs in every neighborhood today." The movement has continued to build momentum, but there have been obstacles along the way. Last year, NAMBLA found itself embroiled in a \$200 million wrongful death and civil rights lawsuit filed in U.S. District Court in Boston. The suit

claims that the writings on NAMBLA's Web site caused NAMBLA member Charles Jaynes to torture, rape and murder a 10-year-old Boston boy.

The American Psychological Association recently published a study in the Psychological Bulletin which concluded that child sexual abuse does not cause harm — and recommended that pedophilia should instead be given a "value-neutral" term like adult-child sex. NAMBLA quickly posted the "good news" on its Web site stating that "the current war on boy-lovers has no basis in science."

We now live in a culture in which man-boy sex is not only tolerated — it is celebrated in some communities. And, while male pedophilia remains contested terrain for most, woman-girl sex, because of the power of the women's movement, scarcely registers on the cultural radar screen.

"The Vagina Monologues," for example, is now part of the standard dramatic repertory in student productions on college campuses. The play explores a young girl's "coming of age" beginning with a 13-year-old girl enjoying a sexual liaison with a 24-year-old woman.

Not only is the play receiving widespread acclaim, but those who attempt to criticize the play find themselves stigmatized. When Robert Swope, a columnist at *The Hoya*, Georgetown University's student newspaper, attempted to publish a critical review of "The Vagina Monologues" when it was presented on the Catholic campus, his editors rejected the column, calling its content "divisive." He was fired when he complained about the censorship.

Pedophilia remains behavior whose status is uncertain with a semantic and ideological war being waged to determine whether or not it will remain a form of deviance. While the clergy abuse scandal would suggest that the deviant label will remain, the reality is that powerful advocates with access to university presses will continue their campaign to define down this form of deviance.

Hendershott is a professor of sociology at the University of San Diego and author of "The Politics of Deviance" (Encounter Books).

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San Diego Union-Tribune

Wed., April 24, 2002

Tomorrow

• **FREE RECITALS:** Senior student composers, including William McKay and Cory Mongoven, perform recital compositions at 11:30 a.m. tomorrow at the Shiley Theatre, Camino Hall, USD, 5998 Alcalá Park. Information: (619) 260-4600.

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PRIVATE CLUBS

AND THE RESORT LIFESTYLE

4154 p.34

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**KEN
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'The One Minute Manager' Turns 20

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A
Ken Blanchard, Member
University Club Atop Symphony Towers, San Diego

MEET KEN *B*LANCHARD

BY PATRICIA BALDWIN

Best-selling author, speaker, and business consultant marks 20 years of *The One Minute Manager*.

KEN BLANCHARD

Club membership:

University Club Atop Symphony Towers, San Diego.

Occupation: Chairman and "chief spiritual officer" of the Ken Blanchard Companies, Escondido, California.

Business focus: To energize organizations around the world with customized training and bottom-line business strategies.

Education: Bachelor's degree in government and philosophy, Cornell University; master's degree in sociology and counseling, Colgate University; Ph.D. in educational administration and leadership, Cornell University.

Family: Wife, Margie; son, Scott Blanchard; and daughter, Debbie Blanchard Medina.

Update: Ken Blanchard will be a featured speaker in the upcoming ClubCorp Business Clubs' video-conference series. Watch for more information from your club.

Web site: www.kenblanchard.com.

There's more than a little irony to the facts that the consummate storyteller himself personifies a spellbinding tale and that, once upon a time, this author of more than two-dozen books (and the only author to have four books on *Business Week's* top 15 best seller list at the same time) was told he could not write. Kenneth Blanchard, Ph.D., known around the world simply as "Ken," once was a college professor and part-time management consultant. In terms of writing, he was best recognized as the coauthor of the textbook *Management of Organizational Behavior: Utilizing Human Resources*. Then came 1982 and the publication of a 111-page book called *The One Minute Manager*. Life changed not only for the millions who purchased the tiny book (nine million and counting, to be exact, in more than 25 languages), but also for Ken Blanchard, whose name suddenly became synonymous with bottom-line business strategies based on simple, yet powerful, principles.

His recently released book, *Whale Done: The Power of Positive Relationships*, is a parable, in true Blanchard fashion.

Blanchard is chairman and "chief spiritual officer" of the Ken Blanchard Companies, based in Escondido, California. He has been a member of the **University Club Atop Symphony Towers** in San Diego for more than two years. He says he uses the club socially because "it is the most beautiful spot in the whole city to bring family and friends for dinner and lunch." He also uses the club for business meetings "all the time."

Blanchard recently visited with *Private Clubs* editor in chief Patricia Baldwin in the

University Club's quarters at the top of the tallest building complex in downtown San Diego. Here are some excerpts from that wide-ranging conversation.

Let's talk about life before *The One Minute Manager*.

Well, a funny story that you might enjoy is that I never was considered a writer. All my professors told me I couldn't write. In fact, when I got into graduate school, they said, "Don't become a teacher because there's a rule about publishing or perishing and you'll never be able to make it."

I went to Ohio University after I got my Ph.D. at Cornell University in educational leadership. I became administrative assistant to the dean of the College of Business. When I got there, he said, "Ken, I want you to teach a course. I want all my administrators to teach." I never had thought about teaching, but I had taken enough bad courses that I wasn't going to teach one. So I really worked at it. And the students and I just had this marvelous time together.

The chairman of my department was a fellow named Paul Hersey. He was considered an incredible teacher and so I asked to sit in on his course on leadership the next semester. He said, "Nobody audits my course. If you want to take it for credit, you're welcome." So I took the course and wrote the papers and it was a fabulous course. Later, in June 1967, Hersey came into my office and said, "Ken, I've been teaching this field for 10 years, and I think I'm better than anybody, but I can't write and I'm a nervous wreck. I'm looking for somebody to write a textbook with me. Would you be willing to do it?"

PHOTOGRAPH BY TIM MANTON. SHOT ON LOCATION AT UNIVERSITY CLUB ATOP SYMPHONY TOWERS IN SAN DIEGO

Apology is going to be a very powerful addition to *The One Minute Manager* concepts.

Is your advice any different than what they're teaching at Harvard or some of the other top MBA schools?

In the MBA schools, they don't teach about human beings. All the major colleges that I've looked at are still training financial analysts and consultants. In fact, we just started a master's degree program in executive leadership with the University of San Diego because they couldn't find a place in America that was training people about how to lead.

Changing the subject a bit, the world, as we know it, changed on Sept. 11. In your opinion, what are the long-term ramifications for business and especially for business leadership?

I think it was a very necessary wake-up call for this country. I think we had forgotten our basics. I think there was a tremendous drive in this country to suggest that the only reason to be in business was to make money. Driven by Wall Street and the whole attitude toward short-term gains, companies were being pushed on a quarterly basis to show performance.

Yet, when a tragedy like that hit, what was really important was about relationships. Where are our people? Where is our family? Where are the people whom we really care about? I think it was a wonderful wake-up call to getting back to values. I think the other big wake-up call was to let God back in our lives.

I think there are so many attempts to try to push God out, yet the country was founded "in God we trust" and "one nation under God."

I think that foreigners who immigrate to the United States recognize what an incredible place it is. I think a lot of people had forgotten and the return to patriotism is really important. So I think and hope that we don't go back to the way it was before, but we keep our values as high values. We need to recognize that we have a wonderful country. It's worth fighting for and protecting.

Is that how you would pose the greatest challenge facing American business?

I think it is. I think the challenge is how to stay profitable and still

recognize the basic values that are important for people. I've always said that profit is the applause you get for taking care of your customers and creating a motivating environment for your people. There is not a single bottom line.

One more question. And don't infer from this question that I'm pushing you toward your last reward sooner than you should be going, but — how would you like to be remembered?

I've written my own obituary. I got interested in that because I read about Alfred Nobel, who started the Nobel Peace Prize. His brother died and he went to get the paper in Stockholm, Sweden, to read his brother's obituary. They had gotten the brothers mixed up and Alfred got to read his own obituary. If you remember from history, Alfred Nobel was involved in the invention of dynamite and his whole obituary was about destruction. He was just devastated that that was how he was going to be remembered, so he gathered loved ones around him and they said to him, "Alfred, what's the opposite of destruction?" And he said, "Peace." He redesigned his life so he would be remembered for peace.

Every day, I read my obituary, which includes my mission statement: "to be a loving teacher and an example of simple truth who helps myself and others to awaken the presence of God in our lives." The reason I say God is that I think the biggest addiction in the world today is the human ego, which stands for Edging God Out. It takes two forms. One is thinking more of yourself than you should and the other is thinking less of yourself than you should. The reality is that we come from unconditional love. We can't sell enough or write enough good books to get any more love. We've got all the love there is. What we can do is get ourselves out of the way and recognize that life is about serving others — not being served. People get hung up thinking that their self-worth is a function of their performance, plus the opinion of others. The minute you get hooked on that, your self-worth is up for grabs every day and that's a sad thing. So my obituary is about my helping myself and others to constantly recognize that we are blessed just to be alive, that we are unconditionally loved, and that what's really important in life is about relationships.



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PLAY BALL!

Higher education and a passion for sports score career opportunities for Enrique Morones

4154
Enrique Morones, whose love for sports and people has no border, was born in San Diego to Mexican parents. He graduated with a master's in science in executive leadership from the University of San Diego and was the first person to apply for and receive dual nationality with Mexico.

Morones created a Padres presence across the border and gave Tijuana citizens a Major League Baseball team. In his former position as vice president of Hispanic and international marketing for the Padres, he worked with team owners to establish Domingos Padres Tecate. This program invited residents of Tijuana to purchase discounted game tickets at the Tijuana Padres store, including bus transportation to and from the game.

On opening day, Morones was on the opposite coast getting ready to run the Boston Marathon 100th anniversary. However, he took time in the middle of the marathon to call the office to see how things went.

"During the Boston Marathon, halfway through the race, there was a pay phone," Morones says. "I kept running in place and I called Larry



Lucchino and I said, 'Larry, how'd we do yesterday with Domingos Padres Tecate?'" After finding it was a great success, with 24 buses coming across the border, Morones flew through the last 13 miles of the race.

Although his Padres stint came to an end late last year, Morones' endeavor for cross-border sports continues. He volunteers with the San Diego Gauchos, a new soccer team beginning its inaugural season in the third-division D3 Pro League on April 6. Also in the works is an effort with the the mayor of Tijuana to establish a professional baseball team.

Games aside, Morones is heading efforts to establish 340 life saving stations in the San Diego mountains for migrants or anyone else who gets caught outdoors unprepared. During the winter, the stations, marked with flags and blinking lights, are stocked with blankets, sleeping bags, jackets, food and bottled water. In the summer, water and food are available.

Morones also is the president of the House of Mexico in Balboa Park.

— Maria L. Kirkpatrick



Enrique Morones with Mexico President Vicente Fox.

**SAN DIEGO DAILY
TRANSCRIPT**

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4154 Collegians vie in contest

The University of San Diego is having its 38th annual International Collegiate Business Strategy Competition April 11-13 at Bahia Resort in Mission Bay. The school of business administration will have 31 university student teams from the United States, Mexico and Canada present a simulated manufacturing company and product. The student teams have been competing since February over the Internet. Business executives will judge the teams of both undergraduate and graduate business students. **Source Code: 20020403tlh**

By Daily Transcript staff writers.

Builders Wary of City's Affordable Housing Plan

Housing: Panel Also Declares S.D. Facing A Housing Crisis

BY MANDY JACKSON

Staff Writer

4154

Over the past few years, the local building industry has resisted government-driven policies to include affordable housing in any new development in San Diego.

To the industry's dismay, the city's Land Use and Housing Committee approved a policy April 17 for inclusionary housing as a first step in addressing the city's affordable housing crisis.

Yet San Diego Housing Commission CEO Elizabeth Morris called the policy "an excellent step for providing affordable housing," adding if affordable housing is not addressed, employers could leave the city for areas where their employees can afford to live.

While the local Building Industry Association does not support inclusionary housing, which requires developers to build a percentage of affordable housing units in new projects, its president was encouraged by the committee's willingness to consider other options.

"It was important that the city recognizes that for the great majority of people who need affordable housing, inclusionary housing is not the answer," said BIA President Mike Neal, who also is president of local development and investment firm H.G. Fenton Co. "We still believe that the costs (of inclusionary housing) will either be passed on to the buyer or builders will build less homes."

Questionable Success Rate

Horace Hogan II, president of local homebuilder the Brehm Cos., said inclusionary housing programs in Carlsbad and

other communities have not successfully created more affordable housing. Hogan added the area's lack of land, strict environmental standards and increasing development fees have pushed the company into Riverside County, where the median home price is still below \$200,000.

The median price of an existing home in San Diego County climbed past \$300,000 for the first time ever earlier this year.

Andrew T. Allen, an economics professor at the Real Estate Institute at the University of San Diego, conducted a study for the BIA. According to the study, 60 percent of the communities in California with inclusionary housing policies had created less than 100 affordable units, and 30 percent had not created any.

The five-member committee's proposal, which is scheduled to go before the full city council in the next couple months, requires 10 percent of new housing developments to include affordable units.

Options

Rental units have to be affordable to families of four earning \$39,050 or less per year. For-sale units have to be affordable to families earning \$60,100, or 100 percent of the area median income. The affordable units could be built on site or in another location.

Developers can opt out of the inclusionary housing requirement by paying \$1 per square foot per home, which will increase to \$2.50 per square foot after three years.

The \$2.50 fee would add up to \$5,000 for a 2,000-square-foot home. The fee would go into a city fund, which would assist developers of affordable housing.

Councilman Byron Wear said the meeting was the first in a series of Land Use and Housing Committee meetings addressing affordable housing issues. A meeting to discuss rent control is scheduled May 1.

Groups representing the city, builders and housing advocates made varying proposals to the committee.

The San Diego Housing Commission's proposal was similar to the policy approved by the committee. Developers opting out of the policy would have paid a fee of \$50,000 per 10 market rate homes.

The BIA suggested a Balanced Communities Partnership Program based on past policies it discussed with the city, which included a 10 percent inclusionary requirement funded by the city's housing trust fund.

The housing commission administers the fund, which gets its money through an assessment on businesses when they build new facilities or expand their buildings.

Some Success

The San Diego Housing Coalition, which represents more than 30 housing and community organizations, advocated a program similar to the city's policy regarding the future urbanizing area, which lies between Carmel Valley and Rancho Bernardo.

About 10 years ago, the city established an ordinance requiring 20 percent of the new units built in that area be affordable to people earning low incomes.

According to the housing commission, 310 apartments have been created, are under construction, or in the planning pipeline because of the program. Estimates are that 2,000 affordable units will be produced by the time the area is built out.

The San Diego Association of Realtors suggested requiring developers to build one apartment for every two market-rate homes they build, making 20 percent of those apartment units affordable to low-income individuals.

During the committee's discussion, Councilman Scott Peters suggested the city could assist builders with rising insurance costs or provide low interest loans to build affordable units.

The Land Use and Housing Committee also declared a housing state of emergency at the meeting. When the City Council declares a state of emergency, they have to revisit the topic every couple of weeks.

SAN DIEGO BUSINESS
JOURNAL

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For business, spring season is earnings season

4154 FRONT PAGE
Cymer, Cubic are
two local companies
that thrived despite
economic slump

By GEORGE CHAMBERLIN
Daily Transcript Financial Correspondent

Just as baseball fans cheer the arrival of a new season, so do investors anxiously await the beginning of a new economic quarter and the start of earnings season. More than 400 companies will announce numbers this week and anticipation is running high.

All the pieces seem to be in place for a good season for both the local and national economies.

Of course, a number of things could dash the enthusiasm that is leading the way into the second quarter of 2002. But, if you had to bet on it, you probably would lay your money on the side of the recovery to continue.

Consider the words of Alan Greenspan. The chairman of the Federal Reserve Board — and the unofficial manager of the economic recovery team — recently told members of the U.S. Senate that he is ready to lead the United States back from the brink of disaster.

"We in the Federal Reserve System acted vigorously to adjust monetary policy in an endeavor both to limit the extent of the downturn and to hasten its completion," said Greenspan. "Despite the disruptions engendered by the terrorist attacks of Sept. 11, the typical dynamics of the business cycle have re-emerged and are prompting a firming in economic activity."

That's about as close as Greenspan can get to a rah-rah speech. Yet, there is plenty for him to be excited about.

First and foremost, the consumer is back. Spending ground to a halt in the weeks following the attacks and confidence in the economy plunged. The latest numbers suggest a healthy and confident consumer is ready to step up to the

plate and swing away.

Both the Conference Board and the University of Michigan released reports last week that showed consumers are feeling pretty good about current and future financial situations.

"The latest gains are striking," said Lynn Franco, director of the Conference Board's Consumer Research Center. "The jump in the Present Situation Index is the largest gain experienced in 25 years, while the Expectations Index has not risen this sharply in nearly a decade. The new boom in confidence should translate into increased consumer spending and

Analysis

stronger economic growth ahead."

Those thoughts were borne out by the consumer spending numbers released by the Commerce Department on Friday. Spending rose in February by 0.6 percent. That's the biggest increase since October when consumers went on a car-buying spree sparked by zero interest rate financing from the major automakers. The increase in spending activity was matched by a similar increase in incomes.

Consumer confidence and consumer spending are pretty good indicators of things to come and they suggest this could be a good summer season. However, it won't be without a few problems.

"My view is that some rough spots remain ahead for the national economy," said Professor Alan Gin of the University of San Diego's School of Business Administration. Each month Gin prepares an Index of Leading Economic Indicators for the San Diego region. The index has increase in February for the third consecutive month, an indicator of increased activity six to nine months down the road.

"A full recovery will not take place until the summer. That should provide a boost for the local economy, which finds itself more tied than ever to the fate of the U. S.

See Earnings season on 7A

Earnings season

B Continued From Page 1A
economy," said Gin.

When it comes to leading indicators there are fewer more accurate barometers than the stock market. Unfortunately, the current picture is a bit cloudy, causing some to question the true strength of the economy.

The major market measures of stock activity are not moving in the same direction. In the first three

months of 2002 the Dow Jones industrial average was able to appreciate by 3.8 percent. That's not bad compared to the 5.4 percent decline in the Nasdaq composite index.

Things aren't any clearer for local stocks. The San Diego Stock Exchange Index calculated by **Dunham and Associates** began the year at 1,033 and ended the quarter little changed at 1,048. However, as

the saying goes, it is a market of stocks not a stock market, meaning there are winners and losers.

Some local companies saw their stocks get knocked out of the park while others struck out.

One of the biggest winners among local stocks was **Cymer** (Nasdaq: CYMI). The company that produces excimer lasers used in the production of semiconductor chips saw its price climb from

\$26.73 a share at the beginning of 2002 to \$49.66 at the end of the first quarter.

Cymer recently announced that when it releases its earnings for the past quarter on April 23, the numbers will be better than expected. Company officials forecast first-quarter revenue will increase from 8 percent to 11 percent over the \$54.8 million in the previous period.

Things have been going so well for **Cubic Corp.** (AMEX: CUB) that the company is asking its shareholders to approve a three-for-one stock split at the annual meeting on April 17. Cubic designs, develops and manufactures electronic products used by the military and a number of communication and aviation industries. The company's automated revenue collection equipment is used by transit systems around the world.

Shares of Cubic stock opened 2002 at \$51.36 a share and have

appreciated to \$65.37.

It has not been a good three months for San Diego's wireless community. A slowdown in the telecommunications sector around the globe has pulled down share prices for **Qualcomm** (Nasdaq: QCOM), which began the year at \$50.50 a share and closed at \$37.64 on Friday. **Wireless Facilities International** (Nasdaq: WFII) has slipped from \$20.97 to \$8.42.

They say that hitting a baseball is about 90 percent mental and 10 percent physical. If the same applies for the economy, then consumers — and maybe investors, too — are ready for a great season.

Chamberlin's financial analysis column appears each Monday in the San Diego Daily Transcript. Chamberlin also reports daily on stocks and local business on NBC 7/39 and on "Money In The Morning" on KOGO 600 AM.

Source Code: 20020329tbi

**SAN DIEGO BUSINESS
JOURNAL**

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Index Reveals Local Economy May Be Rebounding

BY MIKE ALLEN
Senior Staff Writer

4154
San Diego's economy could be entering an upturn based on the latest USD Index of Leading Economic Indicators for the county.

For February, the index registered a 0.3 percent gain over the prior month, the third

consecutive monthly increase, causing some optimism.

Alan Gin, the USD economics professor who compiles the index, said the breadth of the rise wasn't very strong, but the fact it has gone up three months in a row could signal a trend.

The move is also in line with Gin's previous forecast for a rebound for the local economy to take hold by the second half of this year.

"The outlook is for continued slowing in the first half of this year, with the unemployment rate hovering in the high 3 percent to 4 percent range. That should fall back into the low 3 percent range by the end of the year as the local economy strengthens," Gin said.

During February, three of the six components in the index showed increases. Con-

sumer confidence rose 2.08 percent; unemployment claims (measured as a positive when claims decline) rose 0.83 percent; and building permits rose 0.13 percent.

Two components, local stock prices and the amount of help wanted advertising, declined slightly. The index for the national economy was unchanged.

Firms Feel Pinch of Gas Hikes

FRONT PAGE

4154
BY RENE'E BEASLEY JONES
Staff Writer

Anena Marchand constantly keeps her eye on gasoline prices.


She owns **Express Hauling Inc.**, a small Mira Mesa business that operates three trash trucks and grosses up to \$300,000 a year. Marchand estimates the current spike in gas prices costs Express Hauling an additional \$300 to \$500 a month.

"That's a lot of money for us," Marchand said.

She's not alone in those thoughts. Many small businesses — and larger ones too — see profits shrink as prices jump at the pump.

On April 1, San Diegans paid an average of \$1.62 per gallon, the highest nationwide, said Michael Shames, executive director of the Utility Consumers' Action Network. Since Jan. 7, local prices have soared 42 cents per gallon — nearly double the national increase, he said.

Gasoline prices often increase this time of year. But this hike feels different, Shames said.

 Please turn to GAS on Page 19



Rene'e Beasley Jones

Rogelio Montufar (left) and Ramiro Garcia fill up the company truck they use to install underground cable in the San Diego area. The men work for Irish Construction, a Rosemead-based firm that maintains an office in San Marcos.

Gas: Firms Feel Bite of Rising Prices That Could Have a Long-Term Effect

Continued from Page 1

"The increase in price did not correspond with the price of (crude) oil," he said.

Between January and March, crude oil prices climbed 18 percent, he said. San Diego gasoline prices during that time jumped 35 percent, according to UCAN records.

The cost of crude oil accounts for about 50 percent of **California Commercial Asphalt Corp.**'s expenses, said Terry Nicometo, vice president of operations. The company uses crude oil to make asphalt.

Customers postponed a few projects because today's crude oil prices bumped up bids, he said.

There's another problem: The San Diego-based company often bids jobs up to nine months before work begins. That leaves California Commercial at the mercy of the market the day work starts. To protect the company on larger projects, Nicometo said he tries to lock in prices at the refinery during the bidding process.

David Watson, who is the area manager for **Irish Construction**, runs at least 20 trucks and pieces of heavy equipment daily. Besides the higher cost of fuel at the pump, the underground cable company, which has a satellite office in San Marcos, has experienced some unexpected fees related to the price hike.

Some rental companies, from which Watson occasionally leases trucks, have tacked on fuel surcharges. During the bidding process, no one could foresee those additional expenses. The

company eats the loss, Watson said.

San Diego County, on the other hand,

Rising gas prices — and the climbing cost of goods and services tied to them — take buying power out of the hands of San Diegans.

Alan Gin
Associate Professor of Economics
University of San Diego

maintained its fleet of 1,500 vehicles and pieces of equipment from today's tangle gas market, said Estalita Jones, the county's principal administrative analyst for fleet management. Last year's gas hikes put the squeeze on the county's budget. They set aside \$3.8 million but spent \$4.1 million on fleet fuel.

For this budget cycle, the county anticipated price hikes and budgeted \$4.2 mil-

lion, estimating its cost of gasoline to average \$1.50 a gallon. Throughout this fiscal year, which ends June 30, the county has paid an average of \$1.20. Even if prices stay high, Jones estimates the county's fuel account will hold out.

Rising gas prices — and the climbing cost of goods and services tied to them — take buying power out of the hands of San Diegans, said Alan Gin, an associate professor of economics at the University of San Diego.

With less money in their pockets, consumers can't offer as much help to an economy trying to rebound, he said.

"It's annoying," Gin said of today's spike in gas prices, "but it's not going to have a big impact on the local economy."

If the situation worsens or persists for a long period, he said, San Diego could suffer deeper repercussions.

Local unemployment declined, but fewer new jobs created

By TIM COFFEY
San Diego Daily Transcript

The local unemployment rate declined, albeit modestly, for the second consecutive month, to 3.76 percent in March, but economists and market analysts were mixed in their outlooks.

The difference revolved around the successive declines in unemployment vs. a slower creation of new jobs compared to previous years.

However, there was good news from local staffing companies. Some reported an increase in orders, which were nearly non-

existent since June of 2001.

San Diego County's jobless rate was down from an adjusted 3.84 percent in February, but higher than the 2.6 percent in March of last year, according to California's Employment Development Department.

Officially, the EDD reported local unemployment for February and March of 3.8 percent, but those numbers were rounded and not exact, said Cheryl Mason, the local analyst for the EDD.

The state and national rates were unchanged from February at 6.5 percent

and 6.1 percent, respectively.

Locally, all but one of the non-farm industries surveyed added jobs last month and San Diego's employed population increased by 5,400 jobs. Also, 1,200 unemployed residents in February found jobs in March.

The economy added the most jobs in the business services industry, where 1,200 people found employment, and in the state and federal sectors, where 1,000 jobs were created. The only industry to drop employment levels was in the sector that included finance, insurance and real estate. That

industry shed 100 jobs.

The number of new jobs created and the fewer number of unemployed in a month-by-month basis are signs the local economy is improving, said Alan Gin, an economics professor at the University of San Diego.

"It's looking like it's stable all across the board," said Gin, who has projected the economy will expand in the second half of 2002. "No particular industry is feeling any special fallout. It's a stable situation now."

Although the job market seems stable, it's

See **Unemployment** on 8A

Unemployment

Continued from Page 1A

not as healthy as in previous years, said Mason, who analyzes and collects the unemployment data in San Diego County for the EDD.

"Even last year, which is when we were really feeling the slowdown, we still added 7,400 jobs between February and March; the year before that we added 10,600 jobs," she said. "So, even though the numbers are good, they're positive, through many different industries, there's still slower growth than we've seen in the previous years."

There remains "strong evidence" that San Diego's economy is not out of the woods, Mason added.

However, local staffing companies said Friday that orders for temporary employees had

increased for the first time since June of 2001. They also said clients were hoping to make those jobs permanent.

Staffing companies are often good indicators of the economy, because companies that sense their market is rebounding will contract temporary workers from staffing companies ahead of demand, Gin said.

"So this initial upsurge in orders for temporary people is a good sign that things are initially starting to turn around," he said.

Debbie Dunn, a regional manager at **The Eastridge Group**, a full-service staffing firm, has 20 percent more employees in jobs now than in January. The orders included jobs in biotech, manufacturing, industrial and general clerical.

"It's because our clients are seeing increased orders," she said. "Things are starting to warm up."

Mel Katz, an executive at **Manpower** in San Diego, said orders increased 10 percent since last month.

"Right around the middle of March until now, we've seen a nice increase," he said.

Manpower clients have also indicated they are looking to hire permanent workers if market conditions remain strong. The company places employees in programming, manufacturing and industrial jobs.

"If they get the orders, they will definitely hire permanent employees," Katz said.

tim.coffey@sddt.com

Source Code: 20020412tba

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Principal training program awarded grant

By Chris Moran
STAFF WRITER

The Los Angeles-based Broad Foundation has awarded a \$4.2 million grant for San Diego city schools to continue running a training academy for principals.

The announcement came Wednesday, the day after a divided San Diego city schools board awarded Superintendent Alan Bersin a four-year contract extension. Broad spokeswoman Melissa Ratcliff said the three-year grant is contingent upon Bersin continuing to lead the school district with 143,000 students on 176 campuses.

"It's important to us to show support for Alan Bersin and the leadership he's shown for San Diego," Ratcliff said.

This school year the San Diego Unified School District has secured more than \$30 million

in grant money tied to Bersin's employment.

In 2000, Broad gave the Education Leadership Development Academy \$525,000 to start training principals and vice principals. Of the 11 administrative recruits in its first class, nine became principals or vice principals in city schools, at Washington, Emerson-Bandini, Encanto, Tierrasanta, Cadman and Brooklyn elementary schools, Montgomery Middle School, Roosevelt Junior High School and Kearny High School.

"I can imagine no more important contribution to the nation's future than a determined, long-term commitment to improving urban K-12 public schools," Eli Broad, founder of the Broad Foundation, announced in a written statement. "Effective leadership from principals increases the positive im-

pact other school reforms can have on student achievement. San Diego's principal training academy is a model for people who are serious about dramatically improving America's public schools."

The leadership academy trains teachers to become principals and offers new principals the course work to obtain state credentials. The classes are taught at the University of San Diego. City schools educators and USD professors design the curriculum and teach the classes.

The program includes a yearlong internship that pairs trainees with experienced principals.

Elaine Fink, executive director of the academy, said it represents city schools' recognition that principals are not just managers but instructional leaders.

"I defy anybody to show me a strong school with a weak principal or a weak school with a strong principal," Fink said.

Three years ago the school board demonstrated principals and two vice principals found in a management audit to be ineffective.

The academy produces a home-grown crop of school leaders in a time of principal shortages. The Association of California School Administrators found in a 1999 survey of superintendents that 90 percent reported a shortage of qualified candidates for high school principalships; 84 percent reported shortages for middle school jobs; and 73 percent said there weren't enough potential elementary school principals.

Chris Moran: (619) 498-6637;
chris.moran@uniontrib.com

Understanding your procrastinating spouse

By Maureen Daly
Catholic News Service

4154

There is love, and then there are deadlines.

The taxes, the monthly bills, the laundry, the dishes — all are potential battlegrounds when a husband and wife have different ideas about the importance of time, promptness, and completing tasks.

Different personality types use time — and view time — in different ways, says Lee Williams, an assistant professor of marriage, child and family counseling at the University of San Diego.

Williams is an expert on the Myers-Briggs Personality Inventory and has consulted on marriage studies conducted by Creighton University.

For example, he said, the inventory would term a "J," or "judger," as someone "for whom being on time may mean being 10 minutes early," while a "P" ("perceiver") is "more likely to go with the flow and if something else comes up they will attend to that."

Procrastinators might say that they aren't procrastinating, they're prioritizing. But their seething spouse might see this so-called prioritizing as a hostile act. The procrastinator's behavior communicates that what is important to one is not so important to the other.

What is procrastination and where does it come from?

Associate Professor Joseph Ferrari at DePaul University in Chicago is a research psychologist and the author of two books and more than 30 articles on procrastination and associated behaviors such as perfectionism, indecision and task avoidance.

"[Procrastinators] let others do things for them because they fear failure. They are very conscious about public opinion so they put off tasks because they would rather that people think they lacked effort than that they lacked ability."

— Associate Professor Joseph Ferrari of DePaul University

"Twenty percent of adults identify themselves as chronic procrastinators," Ferrari said. He said that 70 percent of college students also report that they are procrastinators, but they have different kinds of delay. Students procrastinate in reading and writing assignments but not in getting concert tickets. They put off doing things they do not want to do. True adult procrastinators put off things that they *do* want to do.

"Procrastination is a maladaptive lifestyle," Ferrari said. "Data show that it is a form of self-sabotage." He listed three types of procrastinators:

■ The arousal procrastinator. This individual "delays for a thrill-seeking experience," Ferrari said. "It gives them a rush."

■ The indecisive procrastinator. This person, Ferrari said, simply can't make up his mind.

■ The avoiding procrastinator.

This type is motivated by low self-esteem and low self-confidence, Ferrari said.

Procrastinators avoid gathering information that would help them to identify themselves and to clarify their identity, Ferrari said. "Procrastinators are very

dependent. They let others do things for them because they fear failure. They are very conscious about public opinion so they put off tasks because they would rather that people think they lacked effort than that they lacked ability."

If confronted, Ferrari said, procrastinators are good at making excuses for not getting things done.

As a researcher, not a clinician, Ferrari studies the causes and consequences of behavior, not treatment. He has found that procrastinators do not necessarily have procrastinating parents, the children of alcoholics tend to be procrastinators, and an authoritarian father encourages procrastinating behavior.

He has also observed that, not surprisingly, "Procrastinators' behavior bothers other people around them." And he doesn't tolerate it. Ferrari holds his students to strict deadlines.

In spite of his years of study and observation, Ferrari still gets exasperated by procrastinators.

"Our culture rewards procrastinators. Christmas is a perfect example. The sales encourage people to be procrastinators. And income tax — if you are going to get money back it's bizarre to wait, make excuses and extensions. Why in some areas do we say [that's] OK?"

In the workplace, Ferrari has found that procrastinating bosses are not sympathetic with procrastinating employees. "They know the behavior," he said. So why do procrastinators delay, annoying bosses, co-workers and family?

At home or on the job, procrastinators annoy because they wish to please, Ferrari said. "Procrastinators want to avoid evaluation because they are too concerned about social esteem, about how others view them. Their self-esteem depends on social esteem."

Procrastination is related to perfectionism, Ferrari said. "A procrastinator wants to be perfect in order to be liked. To tell a chronic procrastinator to 'Just do it' is like telling a chronically depressed person to 'Just cheer up.'"

Hughes Career Achievement Awards

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Retail Trends

By Peggy Scott

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'Wings Over Gillespie' air show salutes U.S. air power

Off they go, into the wild blue yonder — and you can enjoy the spectacle at "Salute to American Airpower," the eighth annual Wings Over Gillespie World War II Static Airshow, May 3-5 at Gillespie Field in El Cajon.

Presented by CAF-AIR Group One, the aircraft extravaganza will include amazing exhibitions such as an F16 fly-by on Saturday; as well as the chance to get up close to legendary planes and even take rides aboard vintage airplanes. This is an event that has something for every member of the family. And to really get into the spirit of the period, don't miss the big band dance, 7 to 11 p.m. May 3 at Gillespie Field.

Gates are open from 8 a.m. to 5 p.m. Admission to the air show is \$10; children under 10 and, appropriately, uniformed military will be admitted free.

For information, call (888) 215-7000 or (619) 448-4505.

USD Hughes Awards honors distinguished alumni

Six exemplary figures in law, government, education, health care and business will be honored May 11 at the University of San Diego's Author E. Hughes Career Achievement Awards. The prestigious awards, named for the school's former president, honor USD alumni who have achieved "outstanding success in their fields."

Bill Gore, special agent in charge of the San Diego division of the FBI and a leader in the fight against terrorism and illegal drugs, is the honoree from USD's College of Arts and Sciences. **Lynn Schenk**, the first congresswoman from San Diego and now Gov. Gray Davis' chief of staff, is the honoree from the School of Law. **Ruth Grendell**, who has led yearly expeditions to provide immunizations in Africa, South America and China, is the honoree from the Hahn School of Nursing and Health Science. **Judy Rauner**, from the School of Education, will be honored for her work in organizing thousands of USD students to volunteer as tutors and mentors in the community. The honorees from the School of Business are brothers **Andres and David Garza Hererra**, whose family business, Xignux, has grown into one of Mexico's leading industrial conglomerates.

The black-tie Hughes Awards gala begins at 6:30 p.m. at the Manchester Grand Hyatt. Individual tickets are \$100; tables also can be purchased.

For more information, call (619) 260-4819 or visit online at <http://alumni.sandiego.edu/hughesawards>.

April 26, 2002 – El Sol de San Diego – 9

Distinguished alumni to be honored at USD

Leaders in business, education, government, law and healthcare to receive awards

Two University of San Diego business school alumni — whose family business, Xignux, has become one of Mexico's leading industrial conglomerates with exports to more than 40 countries — will be honored at the Author E. Hughes Career Achievement Awards May 11.

The awards, named for USD's former president, honor alumni who have achieved outstanding success in their field.

Brothers Andres and David Garza Herrera are the honorees from the School of Business Administration.

Andres Garza earned his master's of business administration from



ANDRES GARZA

USD in 1994, and David Garza received a master's in international business in 1997.

Their brother, Eugenio Garza, is CEO and president of the board of the firm, which was founded by their father in 1956.

Both Andres and David Garza used the lessons in finance and international business at USD to help Xignux grow into a conglomerate with more than 27,000 employees selling auto parts, lighting, chemicals, food, electrical and other goods.

Andres Garza, who has an undergraduate degree in mechanical engineering, says he chose USD because of the small classes where he would have lots of interaction with professors and students.

He says a class in international negotiations, with students from France, Greece and other countries, taught him a lot about how people think about business "based on our (respective) cultures."

The class has been critical to the firm's success. "It really helps to know the culture to get ventures going," says Andres Garza, who puts together deals with the Japanese for the firm's auto parts division.

Xignux's partners include corporate giants like General Electric and Sara Lee. The company hasn't done a lot of business with San Diego

firms, but that's likely to change, said Andres Garza, given the region's focus in telecommunications and automakers' interest in integrating high-tech communications into the cars of the future.

"The environment is so dynamic, some type of deal is bound to pop up," he said.

Andres Garza says he and his brother have many good memories of USD and are proud to receive the award. "We feel we are representing our university and our country, and we feel a need to succeed not only for ourselves, but also for USD."

"Our alumni are making a difference in the world," said USD President Alice B. Hayes. "This distinguished group of Hughes honorees represents a proud tradition of excellence and service to the community."

The Hughes honoree from the College of Arts and Sciences is Bill Gore, special agent in charge of the San Diego division of the FBI, and a leader in the fight against terrorism and illegal drugs.

Lynn Schenk, the first Congresswoman from San Diego and now Gov. Gray Davis' chief of staff, is the honoree from the School of Law.

From the School of Education, Judy Rauner will be honored for her

work in organizing thousands of USD students to volunteer as tutors and mentors to local youth.

Ruth Grendell, who has led yearly expeditions to provide immunizations in Africa, South America and China, is the honoree from the Hahn School of Nursing and Health Science.

The Hughes Awards, a black-tie gala, take place Saturday, May 11, at the Manchester Grand Hyatt at 6:30 p.m. Individual tickets are \$100, and tables can also be purchased.

For more information, call (619) 260-4819 or visit <http://alumni.sandiego.edu/hughesaward>.



DAVID GARZA

Both Andres and David Garza used the lessons in finance and international business at USD to help Xignux grow into a conglomerate with more than 27,000 employees selling auto parts, lighting, chemicals, food, electrical and other goods.

Institute for Peace and Justice

San Diego Union-Tribune
April 3, 2002

The Joan B. Kroc Institute for
Peace & Justice presents its
Spring 2002 Speaker Series,
beginning with Matthew Baum, a
professor of political science at the
University of California Los
Angeles, to discuss "Sex, Lies and
War: How Soft News Brings
Foreign Policy to the Inattentive
Public," 12:15 to 2 p.m. tomorrow,
University of San Diego.
Information: (619) 260-7509.

San Diego Reader
April 11, 2002

that go on without our control and often without our notice — is told in *The Human Body*. The film takes the audience on a fantastic voyage with great detail and sound through the summer.

Bears is a close-up look at the black bear, brown "grizzly" bear, and polar bear. You'll follow the complexity of their social lives, their importance in the ecosystem, and their ancient mythological and spiritual significance. Environmental factors are threatening the survival of North America's bears. The IMAX film was shot in Montana, Idaho, and in Alaska's Katmai Preserve. It screens through Friday, May 31.

Experience the challenges and countless mysteries of great animal migrations in *Amazing Journeys*. The film follows monarch butterflies, birds, migrating whales, the red crabs of Christmas Island, the great migration of zebras in Africa, and Maasai warriors on their travels. Take the journey through Tuesday, April 30.

For ticket prices and showtimes, call 619-238-1233. (BALBOA PARK)

LECTURES

"Extremism in America" is the subject for two lectures planned at the University of San Diego. Detective Jerry Stratton, director of the Hate Crimes Victim Assistance Program, speaks on "The Web of Hate" today, Thursday, April 11. "Organized Hate" is the subject for Keith Atkins

of the Anti-Defamation League and Detective Cynthia Hanna of Hate Crimes Outreach on Tuesday, April 16.

Both talks start at 12:30 p.m. at the Institute for Peace and Justice. Find the campus at 5998 Alcalá Park; call 619-260-7509 for information. (LINDA VISTA)

"Object/Concept" is a cross-media series exploring the works of 16 faculty artists in the department of visual arts at UCSD, dedicated to the memory of artist and professor Italo Scanga. In conjunction with the exhibition, participating artists Kim MacConnel and Babette Mangolte plan a lecture today, Thursday, April 11, at 6 p.m., in the University Art Gallery at UCSD.

The lecture is free; to make the suggested reservations, call 858-534-2107. On-campus parking permits are required; they can be purchased at the information pavilions at the Gilman and Northview Drive entrances to the campus. (LA JOLLA)

What Was the "Plastic" of Antiquity? According to independent scholar Marianne Stern, the answer is glass, the most flexible material of antiquity. Learn about the artisans who blew the glass and the impact of this novel technique on society when Stern highlights "The Glassblowers of Ancient Rome" for the Archaeological Institute of America on Friday, April 12. Commercial glassblowing dates from the beginning of Emperor Augustus's rule (c. 25 B.C.). The talk begins at 7:15 p.m. at the

Lemon Grove Community Center (3146 School Lane). Free. For information, call 619-465-3841. (LEMON GROVE)

Manage Money More Effectively: Marci Ann Gagliardi from the Diego County Women's Forum discusses "Smart Women and Money" for the Retirement Literacy Class on Friday, April 12, at 1 p.m. ElderHelp (4069 30th Street). Call 619-284-9281. (NORTH PARK)

"The Work of Bart Prince" is the subject when Bart Prince himself speaks on Friday, April 12, at 4 p.m. at the New School of Architecture (1249 F Street). Prince is an architect from New Mexico and a student of Frank Lloyd Wright. The lecture begins at 4 p.m., with a reception 5:30 p.m.

Eric Lloyd Wright, grandson of Frank Lloyd Wright, focuses on "Organic Architecture" when he presents a slide-illustrated lecture on Wednesday, April 17. The talk begins at 7 p.m. (following a reception 6:30 p.m.). For information, call 619-235-4100. Free. (DOWNTOWN)

"Dutch Influences on Japanese Art" will be explored by Hiro Johnson, assistant professor of design and art history at San Diego State University, for the Doc Guest Lecture Series at the San Diego Museum of Art on Friday, April 10 at 10 a.m. Admission is \$10. 619-619-6196. (BALBOA PARK)

"Children under Construction" the topic when former Republican presidential candidate Alan Ke



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Health, human services summit

Community leaders will discuss ways to address the county's health and human services department at a summit Wednesday at The Joan Kroc Institute for Peace and Justice at the University of San Diego. About 130 philanthropists, community and business leaders, and public officials are expected to attend the daylong event sponsored by the County Health and Human Services Agency, the California Endowment, Casey Family Programs, Community Action Partnership and the San Diego County Children and Families Commission. **Source Code:**
20020409tli 4154



Kyoto Symposium

Laser Focus World

Injection-laser inventors attend peace symposium

Hassaun A. Jones-Bey and Carrie DiRienzo

Last month, the developers of injection-laser technology gathered in San Diego, CA, along with their fellow 2001 Kyoto Prize Laureates for a symposium at the recently opened Joan B. Kroc Institute for Peace and Justice at the University of San Diego.

Morton Panish, Izuo Hayashi, and Zhores Ivanovich Alferov received the 2001 Kyoto Prize for Advanced Technology in the field of electronics for their innovative research and development of continuous-wave semiconductor lasers that operate at room temperature, also known as injection lasers.

While on staff at Bell Labs (Murray Hill, NJ) in 1970, Panish and Hayashi developed a doubled heterostructure, in which a single-crystal semiconductor of gallium arsenide was sandwiched between two layers of aluminum gallium arsenide. Threshold-current density was substantially reduced by the double effects of confining the electrons and holes in the active layer and of using the active region with its higher index of refraction as an optical waveguide.

As a researcher at the Ioffe Institute of Physics and Technology (St. Petersburg, Russia) where he is now the director, Alferov also made contributions to the area of III-V semiconductor heterostructures through investigations of injection properties and development of solar cells, light-emitting diodes, and epitaxy processes, culminating in a 2000 Nobel Prize for Physics.

The injection laser's high luminous efficiency, compact size, light weight, and low cost laid ground for new technologies in the optoelectronics field. And continuous-mode operation along with broad bandwidth from infrared through visible spectra has enabled a broad range of applications and evolution of lasers for commercial use in optical-fiber communications; home electronics, including DVD players and CD players; and information-processing equipment such as laser printers. In recent years the lasers have been applied in processing tools for cutting and welding, and in medical devices such as laser knives.

"Way back in 1970, we knew the injection laser was a significant development for the phone company, but we had no idea how tremendous it would become," said Panish upon receiving the prize in Kyoto last November.

"It's a tremendous satisfaction to have your work recognized as work that has contributed to society and the world."

Other 2001 Kyoto Prize Laureates attending the symposium in San Diego last month included Basic Sciences Laureate John Maynard Smith, a professor emeritus of biology at the University of Sussex (England), and Arts and Philosophy Laureate Györgi Ligeti, currently a professor of music at the Hamburg University (Germany).

Smith was awarded the prize for helping to establish a unified school of thought in evolutionary biology largely through applying game theory to the behavior of organisms. The resulting evolutionarily stable strategy (ESS) has also played a significant role in economic and political disciplines. Ligeti developed a tone cluster method of musical composition-based on his experience with electronic music-that broke away from mainstream avant-garde music after World War II with a colorfully unique richness and fullness of sound. Parts of an early composition based on Ligeti's "micropolyphony" technique were featured in the film "2001: A Space Odyssey."

While last month's event marked the first gathering of all of the 2001 Kyoto Laureates outside of Japan, Panish, Hayashi and Alferov enjoyed the opportunity to renew warm and long-standing friendships originally forged in the late 1960s Cold War era when the U.S. and Soviet research teams became aware of each other's efforts toward the same goal. Cooperation among scientists is older than many other forms of international cooperation, beginning with Latin in ancient times and continuing with e-mail today, Alferov said. "During the Cold War time, the relations between Soviet physicists and American physicists were very good. Science is international by definition."

The three-day symposium (Feb. 6 to 8) in San Diego consisted of addresses and panel discussions concerning the relevance of the laureates' work to the improvement of society and the pursuit of peace. Panish, Hayashi and Alferov pointed out that technology in general can be used for either peaceful or warlike purposes, and expressed gratitude that their particular efforts have resulted primarily in improvements in communications and information transfer. "It's a very complex question," Panish said of technology's role in both war and peace. "I'm pleased to be talking to people about it. But I don't think it pays to try and make it simple when it's not."

The Kyoto Prizes have been presented annually since 1985 by the nonprofit Inamori Foundation to recognize significant contributions to the scientific, cultural, and spiritual development of mankind. Each laureate is awarded a diploma, a 20-karat-gold Kyoto Prize medal, and a share of a cash gift of Yen50 million (approximately US\$136,000 each) at the November presentation ceremony in Kyoto, Japan.

"Today we are rushing ahead with incredible scientific and technological achievements, while understanding of our emotional and psychological development lags deplorably," said Kazuo Inamori founder of the Inamori Foundation and chairman emeritus of Kyocera Corp. "It is my hope that the Kyoto Prizes will encourage balanced development of both our scientific and our spiritual sides, and hence provide new impetus toward the structuring of new philosophical paradigms."

School of Law

MORE LAW SCHOOLS

In its ranking of law schools beyond the top 50 institutions, *U.S. News* lists schools in three tiers. Law schools within each tier should be considered broadly similar in quality and are listed alphabetically. To be ranked, a law school must be accredited and fully approved by the American Bar Association and must draw most of

its students from the United States. We encourage applicants to look not only at a law school's ranking or tier but also at characteristics of each institution—its location, price, course offerings, and faculty expertise—and how well a school meets the applicant's own needs. A campus visit is definitely in order.

| School | Peer assessment score (5.0 highest) | Assessment score by lawyers/judges (5.0 highest) | '01 undergrad GPA 25th-75th percentile | '01 LSAT score 25th-75th percentile | '01 acceptance rate | '01 student/faculty ratio | '00 grads employed at graduation | Employed 9 months after graduation | School's bar passage rate in jurisdiction | Jurisdiction's overall bar passage rate |
|--|-------------------------------------|--|--|-------------------------------------|---------------------|---------------------------|----------------------------------|------------------------------------|---|---|
| SECOND TIER (ranking begins at 52; schools are listed alphabetically) | | | | | | | | | | |
| Arizona State University | 2.8 | 2.9 | 3.07-3.62 | 152-160 | 24.4% | 13.5 | 66.7% | 94.9% | 85.7% AZ | 77% |
| Baylor University (TX) | 2.4 | 2.9 | 3.41-3.82 | 157-161 | 43.0% | 21.3 | 55.2% | 98.1% | 90.4% TX | 78% |
| Brooklyn Law School (NY) | 2.6 | 2.8 | 3.10-3.60 | 155-160 | 39.3% | 19.3 | 76.3% | 96.8% | 73.5% NY | 72% |
| Cardozo-Yeshiva University (NY) | 2.7 | 2.8 | 3.13-3.60 | 156-160 | 35.6% | 17.8 | 80.8% | 97.7% | 73.4% NY | 72% |
| Case Western Reserve University (OH) | 2.9 | 3.0 | 2.97-3.52 | 154-160 | 56.7% | 13.7 | 72.0% | 96.5% | 80.8% OH | 76% |
| Florida State University | 2.6 | 2.8 | 3.06-3.59 | 153-158 | 34.6% | 22.0 | 63.7% | 95.9% | 86.2% FL | 78% |
| Georgia State University | 2.2 | 2.8 | 3.06-3.44 | 154-158 | 29.9% | 15.6 | N/A | 95.8% | 90.9% GA | 81% |
| Illinois Institute of Technology (Chicago-Kent) | 2.7 | 2.6 | 3.08-3.50 | 153-159 | 45.6% | 14.4 | 66.3% | 95.3% | 82.5% IL | 83% |
| Indiana University-Indianapolis | 2.5 | 2.4 | 3.03-3.61 | 150-157 | 35.0% | 17.7 | N/A | 93.2% | 83.2% IN | 82% |
| Lewis and Clark College (Northwestern) (OR) | 2.3 | 2.7 | 3.02-3.53 | 154-161 | 50.0% | 13.8 | N/A | 100.0% | 84.7% OR | 75% |
| Loyola Law School (CA) | 2.6 | 2.9 | 3.11-3.56 | 155-160 | 38.6% | 19.6 | 56.4% | 96.1% | 73.1% CA | 64% |
| Loyola University Chicago | 2.4 | 3.0 | 3.12-3.54 | 156-160 | 35.5% | 21.0 | 72.9% | 97.7% | 96.4% IL | 83% |
| Rutgers State University-Camden (NJ) | 2.5 | 2.6 | 2.80-3.54 | 157-161 | 30.7% | 17.8 | 87.6% | 96.0% | 75.4% NJ | 72% |
| Rutgers State University-Newark (NJ) | 2.7 | 2.7 | 3.03-3.49 | 153-159 | 30.2% | 20.1 | 72.9% | 95.5% | 75.7% NY | 72% |
| Santa Clara University (CA) | 2.4 | 2.8 | 3.08-3.46 | 153-159 | 49.3% | 18.9 | 60.4% | 98.2% | 72.7% CA | 64% |
| Seton Hall University (NJ) | 2.5 | 2.7 | 2.87-3.46 | 153-158 | 45.5% | 20.3 | 89.9% | 94.1% | 79.6% NJ | 72% |
| St. John's University (NY) | 2.2 | 2.7 | 2.99-3.51 | 153-159 | 37.4% | 19.0 | 66.0% | 98.0% | 76.9% NY | 72% |
| Temple University (Beasley) (PA) | 2.6 | 2.9 | 3.12-3.58 | 155-160 | 40.6% | 16.9 | 57.7% | 93.0% | 70.9% PA | 73% |
| University at Buffalo | 2.5 | 2.6 | 3.01-3.61 | 150-157 | 39.5% | 18.5 | 81.8% | 95.3% | 71.7% NY | 72% |
| University of Cincinnati | 2.6 | 3.1 | 3.20-3.70 | 157-162 | 35.9% | 12.7 | 68.9% | 94.2% | 94.3% OH | 76% |
| University of Denver | 2.4 | 2.8 | 2.78-3.42 | 150-157 | 48.1% | 14.6 | 81.3% | 97.4% | 80.6% CO | 81% |
| University of Hawaii | 2.3 | 2.6 | 3.16-3.68 | 153-159 | 37.9% | 11.4 | 64.6% | 96.5% | 80.3% HI | 76% |
| University of Houston | 2.7 | 2.9 | 3.18-3.62 | 155-160 | 36.5% | 15.4 | 69.0% | 96.8% | 89.5% TX | 78% |
| University of Kansas | 2.8 | 2.9 | 3.14-3.67 | 151-158 | 49.7% | 16.7 | 64.7% | 95.9% | 88.6% KS | 83% |
| University of Louisville (Brandeis) (KY) | 2.3 | 2.4 | 3.00-3.73 | 153-159 | 33.7% | 12.0 | 70.0% | 99.2% | 81.6% KY | 82% |
| University of Maryland | 2.9 | 2.9 | 3.15-3.66 | 152-159 | 39.7% | 14.3 | 71.8% | 94.6% | 81.4% MD | 75% |
| University of Miami (FL) | 2.9 | 2.9 | 3.12-3.54 | 151-157 | 50.5% | 22.6 | 55.4% | 93.6% | 77.6% FL | 78% |
| University of Mississippi | 2.3 | 2.5 | 3.16-3.74 | 150-157 | 35.3% | 20.0 | 73.1% | 98.8% | 95.5% MS | 87% |
| University of Missouri-Columbia | 2.7 | 2.8 | 3.07-3.65 | 153-158 | 60.8% | 18.1 | 63.6% | 92.5% | 85.9% MO | 79% |
| University of Nebraska-Lincoln | 2.5 | 2.7 | 3.27-3.76 | 150-156 | 60.6% | 13.8 | 64.1% | 97.0% | 92.3% NE | 85% |
| University of New Mexico | 2.5 | 2.6 | 2.99-3.61 | 150-158 | 40.9% | 10.5 | N/A | 91.9% | 91.5% NM | 87% |
| University of Oklahoma | 2.5 | 2.8 | 3.15-3.67 | 151-158 | 39.5% | 16.4 | 51.0% | 95.2% | 86.2% OK | 81% |
| University of Oregon | 2.9 | 3.1 | 3.11-3.62 | 155-159 | 45.5% | 22.5 | 58.9% | 93.6% | 72.9% OR | 75% |
| University of Pittsburgh | 2.8 | 2.9 | 2.95-3.62 | 153-159 | 51.2% | 15.3 | 83.5% | 95.3% | 76.9% PA | 73% |
| University of Richmond (VA) | 2.3 | 2.8 | 2.92-3.47 | 156-160 | 37.2% | 15.0 | 62.0% | 98.6% | 70.3% VA | 73% |
| University of San Diego | 2.6 | 2.4 | 3.03-3.51 | 157-161 | 35.8% | 17.8 | 72.4% | 94.0% | 72.1% CA | 64% |
| University of South Carolina | 2.4 | 2.8 | 3.02-3.58 | 154-159 | 35.9% | 17.7 | 59.5% | 97.3% | 84.8% SC | 84% |
| University of Tennessee-Knoxville | 2.7 | 3.0 | 3.22-3.71 | 154-159 | 36.3% | 13.1 | 67.9% | 97.3% | 88.4% TN | 83% |
| Villanova University (PA) | 2.5 | 3.1 | 3.15-3.60 | 154-158 | 49.4% | 19.8 | 62.7% | 97.7% | 79.3% PA | 73% |
| THIRD TIER (ranking begins at 91; schools are listed alphabetically) | | | | | | | | | | |
| Albany Law School-Union University (NY) | 2.1 | 2.4 | 2.97-3.47 | 146-152 | 60.9% | 18.2 | 77.0% | 99.0% | 74.3% NY | 72% |
| Campbell University (NC) | 1.6 | 1.9 | 2.90-3.50 | 150-156 | 36.3% | 15.2 | 74.7% | 96.7% | 84.1% NC | 74% |
| Catholic University of America (DC) | 2.6 | 2.9 | 2.92-3.36 | 151-156 | 48.4% | 21.3 | 61.3% | 97.7% | 62.0% MD | 75% |
| Cleveland State University (Marshall) | 2.0 | 2.2 | 2.98-3.49 | 148-153 | 57.9% | 20.1 | 67.3% | 96.5% | 68.0% OH | 76% |
| Creighton University (NE) | 2.0 | 2.6 | 2.90-3.54 | 148-154 | 63.0% | 18.2 | 32.8% | 96.9% | 72.6% NE | 85% |
| DePaul University (IL) | 2.4 | 2.7 | 3.04-3.55 | 152-157 | 41.5% | 20.7 | 66.9% | 89.7% | 78.9% IL | 83% |
| Drake University (IA) | 2.0 | 2.6 | 2.96-3.50 | 149-156 | 63.4% | 15.3 | 52.4% | 97.6% | 87.7% IA | 87% |
| Duquesne University (PA) | 2.0 | 2.5 | 3.08-3.58 | 150-154 | 49.4% | 20.7 | 55.6% | 90.6% | 72.8% PA | 73% |
| Franklin Pierce Law Center (NH) | 1.8 | 2.1 | 2.75-3.41 | 146-154 | 57.9% | 14.6 | 84.7% | 93.2% | 72.5% NH | 76% |
| Gonzaga University (WA) | 2.1 | 2.6 | 2.85-3.46 | 148-155 | 60.2% | 20.6 | 51.1% | 95.4% | 67.0% WA | 81% |
| Hofstra University (NY) | 2.4 | 2.5 | 2.93-3.60 | 152-158 | 36.0% | 18.1 | N/A | 92.6% | 61.6% NY | 72% |
| Howard University (DC) | 2.2 | 2.4 | 2.64-3.38 | 149-154 | 34.8% | 18.0 | 61.1% | 90.3% | 61.5% MD | 75% |
| Louisiana State University-Baton Rouge | 2.2 | 2.4 | 2.98-3.58 | 149-156 | 55.4% | 19.5 | N/A | 92.1% | 88.4% LA | 71% |
| Loyola University-New Orleans | 2.1 | 2.7 | 2.77-3.38 | 147-153 | 60.6% | 20.7 | 100.0% | 100.0% | 75.6% LA | 71% |
| Marquette University ¹ (WI) | 2.3 | 2.7 | 2.90-3.54 * | 153-157 * | 52.8% * | 20.2 * | N/A | 93.7% * | N/A | N/A |

¹School did not return its *U.S. News* statistical survey. Sources: *U.S. News* and the schools. Note: Numbers with * are from the fall 2000 entering class or school year and the 1999 graduating class as reported to the American Bar Association. N/A means that the data were not provided by the school. Western State University and Chapman University in California, the University of the District of Columbia, Florida Coastal School of Law, the University of Nevada-Las Vegas, Appalachian School of Law in Virginia, and three law schools in Puerto Rico—Catholic University, Inter-America University, and the University of Puerto Rico—are not ranked.

What the numbers measure

We count expert opinion, institutional resources, and graduates' success

BY GAYLE GARRETT

The *U.S. News* rankings of business, education, engineering, law, and medical schools are based on a combination of ratings by academics and people in the field, and statistics on institutional resources—particularly faculty—and the performance of students and graduates. We asked deans, program directors, and senior faculty to rate the overall quality of programs in their disciplines on a scale of 1 (“marginal”) to 5 (“outstanding”). To get the perspective of practitioners, we also surveyed medical residency program directors; hiring partners at law firms and judges; corporate recruiters responsible for hiring M.B.A.’s and engineers; and school superintendents. Together, the opinion data account for 40 percent of a school’s score. The remainder is determined by an institution’s performance on the following measures. Detailed information about how the indicators are weighted can be found at www.usnews.com.

Business

We collected mean GMAT scores, mean undergraduate grade-point average, the proportion of applicants accepted for fall 2001, the employment rates of job-seeking 2001 grads at graduation and three months later, and the mean starting salary and bonus reported. Of 352 accredited programs surveyed, 125 had full-time programs and provided all data needed to calculate a ranking.

Education—Research

Measures include mean verbal and quantitative GRE scores and the proportion of applicants ac-

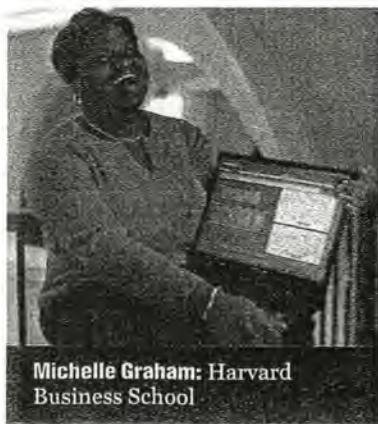


Ging-Ging Liu: Massachusetts Institute of Technology

cepted in doctoral programs in fall 2001; student/faculty ratio, the proportion of graduate students in doctoral programs, the number of doctoral degrees conferred in the previous academic year, and the percent of faculty holding awards in the past two years; total grants for externally funded research averaged over fiscal 2000 and 2001, expenditures per faculty member in funded research over that period, and the proportion of faculty doing funded research. Of 188 doctorate-granting schools surveyed, 125 provided all data needed to calculate a ranking.

Engineering

Data used include mean quantitative and analytical



Michelle Graham: Harvard Business School

GRE scores and the proportion of applicants accepted for fall 2001; student/faculty ratio, the number of doctoral degrees conferred in the previous academic year, and the proportion of faculty in the National Academy of Engineering; total grants for externally funded research averaged over fiscal 2000 and 2001, and expenditures per faculty member in funded research over that period.

Of 185 doctorate-granting engineering schools surveyed, 145 provided all data needed to calculate a ranking.

Law

The ranking takes into account median LSAT score, median undergraduate GPA, and the proportion of applicants accepted for fall 2001; employment rates at graduation and nine months later for 2000 graduates, as well as bar passage rates of first-time test takers compared with the mean passage rate in the particular jurisdiction; student/faculty ratio, spending per student averaged over 2000 and 2001, and the total number of library volumes and titles. Rankings were determined for 175 American Bar Association-accredited schools. Data not provided by schools were drawn from public sources or estimated based on schools with similar profiles.

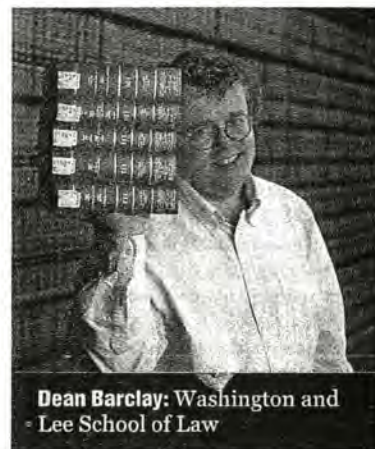
Medicine—Research

Measures include entering students' mean composite MCAT score and mean undergraduate GPA, the proportion of applicants admitted, faculty/student ratio in

fall 2001, and the average of National Institutes of Health grants made to the medical school and affiliated hospitals during fiscal 2000 and 2001. Of 125 accredited medical schools, 99 provided all of the data needed to calculate a ranking.

Medicine—Primary Care

Rankings of medical schools as educators of primary-care physicians were determined by a similar model, substituting the average rate of M.D.'s entering primary-care residencies (1999-2001) for the NIH grant funds. Because we experienced difficulty with both the size and



Dean Barclay: Washington and Lee School of Law

composition of the residency director respondent group, and because the relationship between the peer and residency director assessment scores varied inordinately, and not systematically, from that observed in previous years (and from the same relationship for research medical schools), we used scores on this measure from last year's survey. Of 144 medical schools (including those accredited by the American Osteopathic Association), 114 provided all data needed to calculate a ranking. ●

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New factors transform reparations into live idea

By Tatsha Robertson

FRONT PAGE

Civil rights activist James Forman strode into Riverside Church in New York City on May 4, 1969, and demanded \$500,000 in reparations for slavery, startling the predominantly white congregants. Historians point to that day as the start of the modern reparations movement, initiated and led for years by people like Forman, who was regarded by many as a militant on the fringe.

The reparations campaign was long criticized as too broad in scope, as legally and politically inconceivable, but in the past few years it has evolved into a mainstream movement that has attracted high-powered lawyers, prominent public figures, and respected civil rights organizations, including the NAACP.

In three class-action lawsuits filed last week and a series of others expected this fall, reparations advocates say that through litigation, public pressure, and meticulous historical research, they will try to push America to come to terms, once and for all, with the legacy of slavery.

City councils in Dallas, Nashville, Detroit, and Chicago have

REPARATIONS, Page A8

► REPARATIONS

Continued from Page A1

passed resolutions to study reparations. Universities in New York and California have launched large historical research projects on the feasibility of compensation. California has passed a law requiring insurance companies to disclose whether they ever wrote policies on slaves.

"So all these things are coming together, and it's emboldened people to say to the nation we need to take a serious look at the consequences of slavery," said Roy Brooks, a law professor at the University of San Diego. "We need to take a look at the lingering effects of slavery. That is what is really important here."

Even the staunchest critics of reparations concede that the movement has gained momentum and support previously unseen.

"Even three years ago, reparations was considered a goofy, fringe idea," said Ward Connerly, an African-American who played a prominent role in the successful campaign to outlaw affirmative action in California. "Lo and behold, it is now considered a mainstream idea that has remarkable legitimacy among a large segment of the population. I am not sure why."

By asserting in court the legal responsibilities of the federal government and businesses that profited from slavery, reparations advocates say they hope to promote a political debate on how slavery is connected to the current condition of African-Americans.

Advocates say the lawsuits are also designed to generate public pressure, possibly forcing negotiated settlements that would create humanitarian funds for the most disadvantaged African-Americans.

Critics say the biggest legal hurdles to winning any court judgments are the passage of time and the fact that direct victims of slavery are long dead. Many lawyers say they doubt that courts will grant anyone still alive the right to sue because of slavery's wrongs.

A group of New York lawyers who helped Holocaust victims win multibillion-dollar settlements against European companies, last week filed the ground-breaking class-action lawsuits on behalf of 35 million Americans descended from slaves. The suits named FleetBoston Financial Corp., the insurance company Aetna Inc., and railroad giant CSX Corp. as defendants. Two years ago, New York researcher Deadria Farmer-Paellmann determined that Aetna once sold policies on slaves, in effect profiting from slavery, a disclosure that prompted the Hartford-based firm to apologize.

A team of high-profile African-American lawyers led by Harvard professor Charles Ogletree and Johnnie Cochran plans to file a lawsuit this autumn against the US government and private companies. The team has been researching the case for at least two years.

Legal analysts and historians who have studied the evolution of the reparations movement say the current momentum results from a confluence of legal events in the last two decades and a string of recent discoveries, apologies, and municipal resolutions.

Those events, Ogletree said, convinced skeptical attorneys of the possibility of making reparations claims against the government and private companies.

In 1988, the US government paid \$20,000 each to Japanese-Americans interned during World War II. In the last decade, European companies have compensated Holocaust victims and their fam-

Continued on next page

Continued from preceding page

ilies for slave labor. Three years ago, the federal government agreed to pay black farmers for discrimination by the Department of Agriculture. The last case could lead to a \$2 billion settlement, which would be the largest in the history of the federal government.

"So there is precedent," Ogletree said.

Lawsuits pursuing compensation for unjust gains by a government or private companies normally include claims on behalf of a class of individuals who can be immediately identified or, if they are dead, whose heirs are known. That was true, for example, of Holocaust victims who won a \$1.25 billion settlement from three large Swiss banks. The claims, in addition to allegations of slave labor benefiting the banks, included specific claims that victims' money had been deposited in a Swiss bank before the war ended or that they had lost specific assets looted by Hitler's regime.

In the case of slave reparations, Robert Sedler, a professor of constitutional law at Wayne State University, argued that lawyers must also prove that what the government or companies did dur-

**'All these things
coming together
and it's emboldened
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serious look at the
consequences of
slavery.'**

ROY BROOKS, *law professor*

slavery was actually wrong at that time.

"Slavery was legal," he said. "The law doesn't deal with wrong or right. It deals with legality."

Sedler concedes that lawyers involved in the reparations cases have refined and narrowed their legal arguments, but he still said their best bet would be to appeal to public opinion.

He also says that support may be gained by the new tack of focusing on private companies, rather than the government, and by Ogletree's saying that any compensation would go to a fund for the most disadvantaged.

In the past, demands for slave reparations have never found a place in the courts or Congress. In 1995, a federal appeals court in California cited sovereign immunity and lapse of the statute of limitations in upholding the dismissal of a \$100 million lawsuit against the federal government. Congress has continued to put off action on a proposal by Representative John Conyers Jr., a Michigan Democrat who is the senior black member of Congress, to create a commission to study the feasibility of reparations.

The reparations issue dates back to the Civil War. In January 1865, General William Tecumseh Sherman granted freed slaves 40 acres of coastal land and a mule, but President Andrew Johnson later rescinded the order.

Brooks, of the University of San Diego, said it was not until Forman walked into Riverside Church and read his famous "black manifesto" that reparations once again entered public debate. The church filed a restraining order against him, but later created a \$300,000 fund for the urban poor.

The issue surfaced again 20 years later when Conyers, inspired by the 1988 law providing restitution to Japanese-Americans, began introducing his legislation every session of Congress.

Meanwhile, fringe organizations like the National Coalition of Blacks for Reparations in America (N'CoBRA) continued to plug away at winning support for the cause, keeping the issue alive.

"They have been the leading reparations group in America," said Bruce Nagel, one of the lawyers involved in the New York lawsuits. "They laid the groundwork, the political groundwork, for what is now a lawsuit."

Globe correspondent Lyle Denniston contributed to this report.

Guilt or innocence in the court of public opinion

4154
By Laura Berend
and Knut S. Johnson

Neither popular opinion nor our criminal justice system perfectly answers questions of guilt or innocence. The worst of all worlds occurs, however, when members of the criminal justice system join in the public debate in a manner that deprives others of their right to a fair trial.

Most of us, if we are honest with ourselves, we rarely apply a presumption of innocence to our daily dose of headline criminal justice. But history, as well as recent experience, offers numerous examples of innocent persons that "everyone assumed was guilty." Richard Jewell, Wen Ho Lee, Dale Akiki, and others were exonerated after the public "convicted" them in the court of public opinion.

All those who have been exonerated before or at trial surely suffered while defending their innocence. Even worse, though, is the list of innocent people convicted of crimes that they did not commit, and who were then sentenced to death row or to languish in prison. In their cases, neither the presumption of innocence nor actual innocence could protect them from the horrors of prison or death row.

Long before our time, Abraham may have had the first "reasonable doubt" argument; his was with God. In Genesis Abraham, aghast at God's plan to punish (convict) an entire city for sinful behavior, asked God to relent. Abraham first asks if God will destroy an entire city if 50 righteous people live there. God agrees to spare the city for those 50, and Abraham asks again, this time inquiring if God will destroy an entire city if 45 righteous people live there. Then 40, then 30, then 20, then 10.

As Abraham argues, God keeps agreeing to not destroy the city for an ever-lower number of innocents. The advocacy of Abraham, the patriarch of Judaism, Christianity and Islam, on behalf of sinners and innocent alike in Sodom reflects a religious basis for a core belief of our society that convicting the innocent is wrong.

However, many innocents are charged and convicted. A visit to the Web page for the Innocence Project at

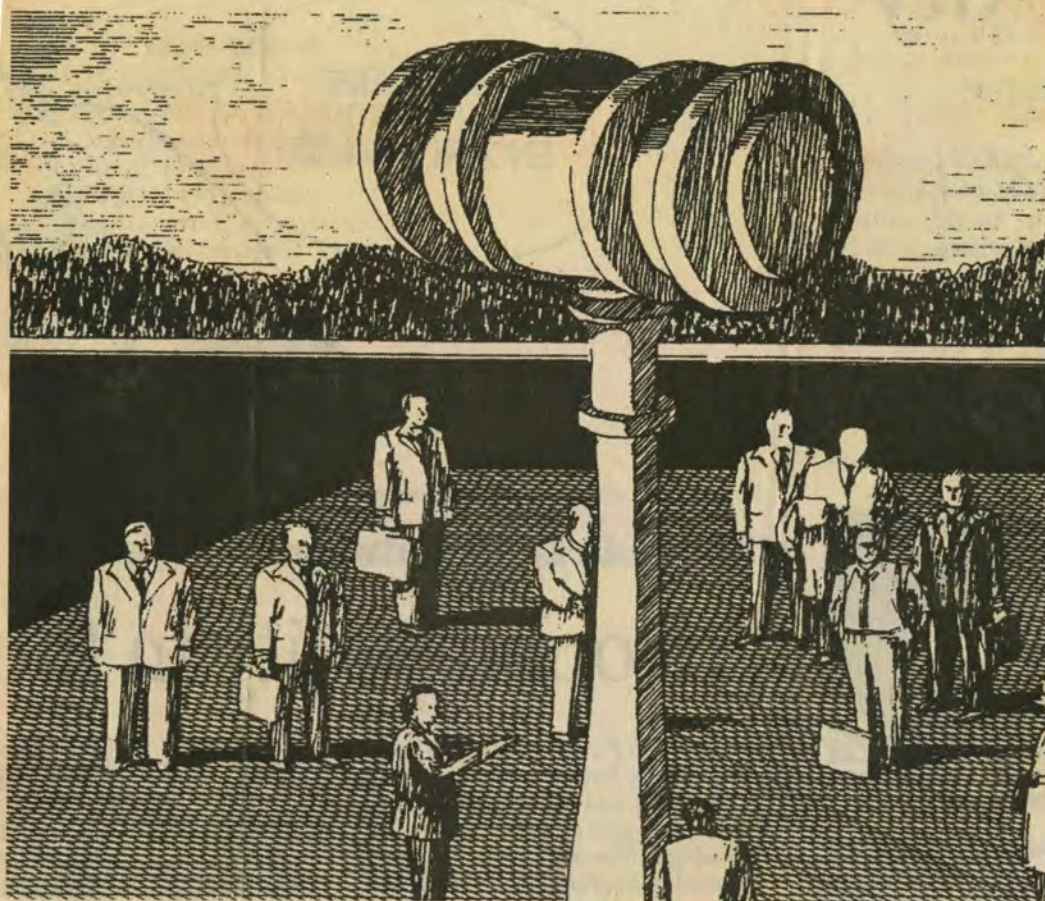
www.innocenceproject.org shows over 100 innocent prisoners who were on death row or who were serving long prison terms that have been released after proving their innocence. That number is from just one project and reflects only 10 years of work. Those prisoners, though, had the good fortune of having scientific evidence that proved their convictions were wrong. How many innocent prisoners must there be who do not have scientific proof of innocence?

Despite our fear of convicting the innocent, innocent people are still convicted. With that in mind, why would a few local lawyers feel compelled to comment on the quantity and quality of evidence and the tactics of attorneys in a manner that makes a fair trial less likely? Remember the latest installment of David Westerfield's case? That was the preliminary hearing, a hearing to weed out cases where no evidence exists. Not only did Westerfield have no obligation to present any evidence, he might have been foolish to do so before learning of the evidence that the prosecution will present at trial. Potential jurors (for this and future cases) listening to those commentators might believe that the preliminary hearing answers questions of guilt or innocence when in fact it does nothing of the sort.

Listeners may believe that if a defense lawyer thinks the evidence looks bad, the evidence is probably even worse. Lawyer-commentators who fail to tell the public that they have no idea whatsoever about the state of the evidence (and in some instances, express an incorrect knowledge of the applicable law) prejudice the system against the accused.

If the foundations of our criminal justice system are frail enough to experience unjust convictions, why would any experienced member of the criminal justice system publicly speculate about evidence and criticize a defense in a manner that makes the justice system less likely to work?

First, of course, the pull of the media, particularly television, is far greater than many can usually resist. Who doesn't enjoy the



Tom Teague

thrill of seeing themselves on television? Next is the desire to please, the desire to be asked again to appear on television.

Lawyers can and should join in the public discourse over high-profile cases. Defense lawyers can explain the procedures, and the reasons for the protections in our system. For instance, the lawyer-commentators should have explained that the defense has no obligation to present any defense at a preliminary hearing and that the defense might not yet know all the evidence.

The lawyer-commentators can explain that the defendant's strategy so early in the case is usually limited to learning what evidence exists. Finally, our lawyer-commentators should have explained that only a jury decides guilt, and only after hearing all the evidence in the case.

Our organizations have adopted rules to guide lawyer-commentators. Those rules have real merit, and lawyers should consult and abide by them. However, like many situations in life, a "Golden Rule" best addresses the conduct of lawyer-commentators: If I were the defense lawyer would I appreciate these comments? We doubt that our lawyer-commentators could answer that question with a "yes."

The rest of us can only hope that the jury pool for Westerfield's trial will remain untainted and that, whatever the outcome, the jurors faithfully follow the presumption of innocence and the requirement of proof beyond a reasonable doubt.

Berend, a professor of law at the University of San Diego, is president of the San Diego Criminal Defense Lawyers Club. **Johnson** is immediate past president of the San Diego Criminal Defense Bar Association.

Sewage-treatment exemption

THURSDAY
April 11, 2002



THE SAN DIEGO
UNION-TRIBUNE

permit approved

But Coastal Commission denial blocks waiver

By Terry Rodgers
STAFF WRITER

State water quality officials yesterday approved a permit that exempts San Diego from the strictest sewage treatment standards but tightens the limit on microscopic solids that can be discharged annually into the ocean.

The unanimous action by the San

Diego Regional Water Quality Control Board removes one hurdle for the city in its quest to renew a five-year waiver from secondary sewage treatment.

However, the city must still overcome Monday's unexpected rejection of the exemption by the state Coastal Commission.

"What I would like to see is the Coastal Commission reconsider its action in light of the action we've taken today," said Jack Minan, regional board chairman.

Currently, the city uses an ad-

vanced primary treatment method that removes about the same amount of dissolved solids as secondary treatment, but primary doesn't get rid of as much oxygen-depleting organic material and bacteria. Secondary sewage treatment is done by a majority of cities and sewage agencies in the United States, including Los Angeles and San Francisco. Despite the regional board's approval of the secondary treatment waiver, the commission's unprecedented denial at least temporarily blocks the waiver from

being granted by the federal Environmental Protection Agency.

Yesterday, Gov. Gray Davis' administration signaled its displeasure with the independent coastal agency by releasing a memo contending the commission overstepped its authority.

"It appears this action is inconsistent with the statutory division of responsibility between the Regional Water Board and the Coastal Commission," Thomas Howard, deputy director of the State Water Resources Control Board, said in the

memo.

During lengthy deliberations yesterday on San Diego's sewage discharge permit, the regional board echoed several of the same concerns raised by the Coastal Commission.

Both agencies appear to agree that:

- Additional deep-water testing locations and high-tech monitoring of the plume of treated sewage off Point Loma are necessary.

- The city needs to do a better job

SEE Sewage, B8

► SEWAGE

CONTINUED FROM PAGE B1

Limit on mass emissions is strengthened

marketing its reclaimed water, most of which is dumped into the ocean.

■ The city should commit to reduce the annual amount of dissolved solids, called "mass emissions," going into the ocean via the city's 4.5-mile-long outfall off Point Loma.

The regional board's most significant change to the proposed permit was to strengthen the limit on mass emissions. The board approved a permit

amendment that calls for a 6.6 percent reduction in total allowed emissions from 15,000 metric tons per year to 14,000 metric tons.

While the city can easily meet that standard now, Metropolitan Wastewater Department Director Scott Tulloch said he was concerned the stricter limit would create the expectation for even lower total emissions.

The city currently removes about 85 percent of the solids from sewage entering its Point Loma treatment plant. Metro Wastewater officials say it's technically difficult to remove solids at a greater level without reducing the plant's capacity.

The plant has the capacity to treat 240 million gallons a day

but only treats about 175 million gallons. The city wants to protect that cushion to allow for growth.

San Diego's population is projected to grow by about 17 percent through 2015, and sewage flows are expected to increase at the same rate.

Environmentalists had mixed reactions to the board's action, which fell short of mandating greater re-use of reclaimed water and expanding ocean monitoring.

"I think they took the easy road and made the obligations for the city loose," said Marco Gonzalez, an attorney for San Diego BayKeeper.

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City Council will appeal sewage-discharge ruling

By Terry Rodgers
STAFF WRITER

The San Diego City Council will appeal a ruling earlier this month by a state water-quality agency that would require the city to slightly reduce the amount of microscopic sewage solids it discharges into the ocean.

The decision came on an 8-1 vote during a closed session Tuesday. Councilwoman Donna Frye cast the dissenting vote.

Environmentalists condemned the council's decision to contest the April 10 ruling of the San Diego Regional Water Quality Control Board.

"To appeal is absurd," said Bruce Reznik, executive director of San Diego BayKeeper. "The regional board took the minimal measures needed to comply with the Clean Water Act. The fact that the city can't live with that is embarrassing."

In a statement released by

his press secretary, Mayor Dick Murphy said the council prefers to continue treating its daily 175 million gallons of sewage the same way it has over the past five years, which has been approved by the U.S. Environmental Protection Agency.

San Diego's appeal will be forwarded to the State Water Resources Control Board, which can refuse to hear the issue or accept the city's petition and hold a public hearing.

In a related matter, San Diego yesterday also asked for postponement of a hearing scheduled next month before the state Coastal Commission. The city wanted the commission to reconsider its earlier ruling rejecting San Diego's bid to continue at a less stringent level of treatment than required of the vast majority of sewer agencies in the United States.

The regional board was more lenient than the Coastal Commission, which asked the

city to expand its ocean monitoring, use more reclaimed water and abandon its federal waiver or exemption from the more stringent treatment required under the Clean Water Act.

The regional board was willing to renew the waiver, but only if the city's limit on mass sewage emissions was tightened. San Diego wants to renew its five-year waiver from tougher secondary treatment methods and continue treating an average 175 million gallons per day at the less-stringent advanced primary level. Advanced primary treatment removes slightly less solids and bacteria than the secondary method.

The permit proposed by the regional board would reduce the limit on mass emissions from the current 15,000 metric tons annually to 14,000 metric tons over the first four years. The limit would be further reduced to 13,600 metric tons in

the final year of the permit.

The city shouldn't have much trouble operating within the proposed limit because last year it discharged less than 9,000 metric tons of suspended solids, environmentalists say.

"It's both puzzling and disappointing the City Council has chosen to (appeal) an issue that the regional board felt was designed to protect the health, safety and welfare of the public," said Jack Minan, chairman of the regional board.

The regional board's bid to make the discharge permit slightly more stringent triggered concern from the city's legal and sewer experts. A more restrictive limit on mass emission could set a precedent that could limit the city's ability to accommodate growth, Metropolitan Wastewater Department officials said.

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FORT WORTH
STAR-TELEGRAM

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Investors follow Enron's trail into labyrinth of confusion

ENRON

4154- San Diego Univ.
Does one plus one equal two again? Enron's books reflected every penny that ever came close to the company, but ignored the losses that blew up its accounting practices.

By TODD MASON

STAR-TELEGRAM STAFF WRITER

Following the money trail at Enron Corp. should prove to be a full-time job for congressional investigators, plaintiff attorneys and accounting reformers.

Some of the money — billions of dollars according to lawsuits and securities filings — never existed, at least not in its preferred folding form. Enron squandered a good bit of the rest on failed projects. The

■ The Andersen firm's criminal trial is slated for May 6 in federal court in Houston.

company's financial executives hid those losses in ways that would make Houdini proud.

The fiction continues to this day. Enron's regulatory filings question as much as \$24 billion of the \$50 billion in assets that the company placed in bankruptcy protection on Dec. 2.

Meanwhile, the company moved up two spots to No. 5 in *Fortune* magazine's list of the 500 largest U.S. companies, based on nine months of revenues in 2001. The company is still working on its fourth quarter earnings report.

"Why the heck is Enron on the list?" *Fortune* asks in a recent issue.

And where did all that money go? Don't expect a definitive answer

More on ENRON on 6F

ENRON

Continued from 1F

anytime soon, says Robert Jensen, an accounting professor at Trinity University.

"Most of us are sitting out here waiting for the real investigators to come along and tell us what happened," Jensen said.

But Jensen and his colleagues draw important lessons from Enron's decline. Discount what companies tell you about revenues and profits, measures that are easily manipulated by accounting tricks.

Watch the company's cash position instead, says Charles W. Mulford, an accounting professor at the Georgia Institute of Technology and author of *+ Financial Numbers Game: Detecting Creative Accounting Practices*. Cash flow from operations measures the real money flowing into and out of the company's till.

Beware when earnings increase and cash flow does not, Mulford said. "They're taking steps to boost earnings, but for some reason, they're not getting paid in cash," he said.

"Enron's operating cash flow went negative in the first two quarters of 2001," Mulford said. Investors who watch cash flow "are getting some time to take action."

Two plus two equals \$139 billion

How did Enron rocket from \$40 billion in sales in 1999 to \$100 billion in 2000 and \$139 billion in the first nine months of 2001?

Enron booked the total value of its energy trading contracts rather than the fractional share it expected to keep. If Enron Online completed a \$10 million trade, for example, the company would book \$10 million in revenues even though the Web site merely matched buyers and sellers.

A rough analogy would be a real estate agent, slightly embarrassed by her \$60,000 in annual commissions, deciding to claim the value of the homes she sold instead. By reporting \$1 million as sales and \$940,000 as distributions to sellers and mortgage companies, she shows her \$60,000 in commissions as gross profits.

Fortune credits Enron's accounting stroke for propelling a number of energy traders onto its list, including

such little-known outfits as Idacorp and Mirant.

"They just did it and got away with it," Jensen said.

The bottom line on the top line is to distrust it, says Frank Partnoy, a law professor at the University of San Diego, and author of *Fiasco: Blood in the Water on Wall Street*.

"Just because you have revenues doesn't mean you're doing anything of value," Partnoy said.

Six minus seven equals three

Enron's profits were equally creative, thanks in part to those energy trading contracts. Partnoy, whose book described his years as Wall Street trader, explained to a Senate committee in January how it works.

Enron traders could generate profits and losses by changing the value of those contracts to reflect current market conditions. Higher energy prices, for example, would increase the value of contracts that locked in lower prices.

The point to remember is that no money changes hands. "It wasn't all real money in terms of cash dollars," said Dennis Beresford, an accounting professor at the University of Georgia and former chairman of the Financial Accounting Standards Board, the final arbiter of accounting rules.

To extend the real estate analogy, the agent notes that offices in her area are selling for twice the \$100,000 she paid 10 years ago. She can capture this gain by recognizing it, recording \$1.1 million in annual revenues and \$160,000 in gross income.

The money in question at

Enron amounts to billions, says John Olson, research director for Sanders Morris Harris Group, a boutique brokerage firm in Houston.

"They had \$18.7 billion in what they called energy trading risk management assets," Olson said. Of that total, "\$8 billion to \$10 billion looks like it's going to end up in never-never land."

Bookkeeping trading gains was just the start at Enron, according to investigations by the Enron board of directors and by plaintiff's attorneys. Enron pushed accounting practices to the limit.

Suppose the fictitious real estate agent "sells" a room in her office to an accomplice at an inflated price and uses that transaction to revalue the entire structure to \$300,000. Her revenues are now \$1.3 million and her profits are \$260,000, counting commissions paid in actual dollars.

Enron's accomplices were limited partnerships controlled by Enron executives.

In 2000 and 2001, for example, Enron booked \$110.9 million in a sale of its interest in a deal with Blockbuster. The pilot project, to deliver movies on demand over Enron fiber-optic cable, never had more than a thousand customers, but no matter.

The partnership purchasing Enron's interest used money borrowed from the Canadian Imperial Bank of Commerce. Enron secured the loan by guaranteeing to repay it if the business venture failed, shareholders allege in a lawsuit filed in federal court in Houston.

The company also used these partnerships to hide loss-

es, said Trinity Professor Jensen. "They weren't booking losses, a whole lot of losses," he said.

The shareholders' suit describes how the company set up partnerships to protect its gains in New Power Co. stock, which went public in late 2000. Enron booked \$370 million in income from these companies as New Power stock declined, but they had no means to make good on these Enron gains except for the New Power stock, which was declining in value.

The lawsuit lists a world tour of potential Enron losses: \$693 million on an electric generating plant in India; \$1 billion plus on an electric utility in Brazil; \$489 million on a water franchise in Buenos Aires, Argentina.

Many of those losses remain unrecognized, says Olson, the Houston analyst, citing Enron's fiber-optic network as an example. "They have \$1.5 billion invested in broadband. They got a bid on it of \$50 million, but the offer was withdrawn," he said.

\$1.12/share times 80 equals 26 cents

Meanwhile, Wall Street was playing another kind of shell game. Enron's pipelines and generating plants made it seem as solid to investors as Exxon Mobil. Instead, it was a trading firm whose assets could evaporate in a flurry of disastrous trades. Brokerage firms did little to resolve the confusion.

In its heyday, Enron shares sold for 80 times the company's earnings per share over the prior 12 months, thanks to the happy combination of rapid growth and sturdy reputation.

Jensen says that Enron resembled trading firms such as Morgan Stanley more than it did Exxon Mobil. Morgan Stanley, which competed with

Enron as an energy trader, trades at 19 times its earnings per share.

Enron "never should have had the [stock market] multiples it had," Jensen said.

Investors caught on after Enron restated four years of financial results in November and erased \$1.2 billion in shareholder equity. Enron shares fell steadily from \$82 in late January to 26 cents as of Dec. 1.

The decline wiped out \$60 billion in shareholder wealth. While this figure also exists only on paper, real investors bought eight million shares of Enron on Jan. 25, 2001, buying the stock near its top.

Wall Street couldn't have missed Enron's revenue tricks or its business failures outside of its core energy trading operations, Partnoy says. Nor were they misled about risk.

The firms' investment bankers knew what was going on at Enron because they helped structure the partnership deals. These bankers described the holdings in Enron's partnerships as "toxic waste" according to the shareholders' suit.

The Andersen accounting firm also earned fees by helping Enron structure the partnerships that hid losses. Then the accounting firm signed off on the company's audits.

\$50 billion minus \$24 billion equals what?

The question of what's left at Enron is generating huge legal fees. UBS bought the trading operation in a deal that pays royalties to Enron. Enron's fate largely rests on how quickly the Swiss company restores trust, said Olson, the Houston analyst.

And the rest? "If the company survives [in bankruptcy court] it will be a real tribute to the workout team," Olson said.

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Auditor pleads guilty in Enron shredding

4154 San Diego, Univ of

FRONT PAGE

Under plea deal, Duncan to testify for government

By MAREGO ATHANS
SUN NATIONAL STAFF

David B. Duncan, the Arthur Andersen auditor who orchestrated the widespread destruction of Enron-related documents, pleaded guilty to obstruction of justice yesterday and became a potential blockbuster witness for the government as it investigates events surrounding the largest bankruptcy in history.

Duncan, fired by Andersen in January, led the team of accountants responsible for Enron's financial statements, giving him intimate knowledge of the accounting practices that led to the energy giant's implosion in December.

He signed off on Enron part-



Ex-Andersen auditor David B. Duncan (left) leaves court yesterday after pleading guilty to obstruction. He signed off on Enron partnerships that concealed money-losing transactions, then oversaw the destruction of evidence.

ASSOCIATED PRESS

nerships that concealed money-losing transactions, then coordinated the destruction of evidence after learning on Oct. 21 that the U.S. Securities and Exchange Commission was looking into the deals.

"I also personally destroyed such documents," Duncan told U.S. District Judge Melinda

Harmon, who is presiding over the case in Houston. "I accept that my conduct violated federal law."

"We are surprised and disappointed by Mr. Duncan's statement in court, as it completely contradicts what he has stated up until this point," said attorney Rusty A [See Enron, 4A]

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ASSOCIATED PRESS

"I accept that my conduct violated federal law," says David B. Duncan, who admitted that he destroyed Enron documents.

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[Enron, from Page 1A]

Hardin, who is defending Andersen against a criminal charge of obstruction of justice filed by the government last month. "For months, Mr. Duncan has contended that he had no intent to commit any criminal act."

Duncan became the first target of investigators to plead guilty in the Enron investigation, and legal experts say his agreement to cooperate bolsters the prosecution of Andersen, which is accused in its March 7 indictment of destroying "tons of paper," e-mail and computer files in its offices worldwide.

Andersen, which has entered a not-guilty plea, has called the indictment a "gross abuse of government power" that threatens its survival.

"The facts of this case are now in the government's favor," said Frank Partnoy, a law professor at the University of San Diego who specializes in white-collar crime. "It has all of Duncan's facts and admissions, and now it has what Duncan is going to tell them about all the boxloads of documents and who else was involved. He's going to have to spill his guts."

Duncan's plea is also the first building block in a criminal case against Enron, whose former chairman, Kenneth L. Lay, invoked his Fifth Amendment privilege against self-incrimination during a congressional appearance.

In exchange for cooperation, Duncan got "a pretty darned good deal," said Partnoy of the plea agreement, which says prosecutors could significantly reduce his sentence if he cooperates fully. The wording makes it "very likely he'll do no prison time," Partnoy said. "This shows the government needed him."

The maximum sentence for obstruction of justice is 10 years in prison and a \$250,000 fine, but federal sentencing guidelines rely on an array of factors such as criminal history and degree of cooperation.

At the hearing yesterday,

Judge Harmon warned Duncan that she could impose a sentence more severe than anything prosecutors might have discussed with him.

Duncan will remain free until a sentencing hearing Aug. 26.

Court documents filed yesterday say that he did "knowingly, intentionally and corruptly persuade and attempt to persuade other persons ... to withhold records, documents and other objects from an official proceeding."

The shredding took place between Oct. 23 and Nov. 9, the documents say, ending only after the SEC told Andersen on Nov. 8 that it planned to issue a subpoena for Andersen's Enron-related materials.

Lawyers for Andersen met Friday with the Justice Department in Washington to try to negotiate a settlement, but no deal was reached.

Pleading guilty could precipitate other problems for the firm, such as barring its core function of performing audits and preparing financial statements required by the SEC, unless it could obtain a waiver from the regulatory agency.

The case is scheduled for trial May 6.

Andersen's most obvious defense strategy would be "to characterize him [Duncan] as a rogue employee, somebody who did all this without authorization," said Stephen L. Meagher,

a former federal prosecutor who now specializes in whistleblower cases at the Phillips & Cohen law firm in San Francisco.

The law under which the government charged Andersen is not the traditional obstruction of justice statute, but one that makes it illegal to corruptly persuade someone to destroy documents.

"This is clearly new territory, and it's not at all clear that the government will be able to make this particular indictment stick," Partnoy said. "There aren't a lot of precedents."

Andersen has lost about 150 public audit clients this year, including Federal Express, Merck & Co., Freddie Mac, Delta Airlines and Kerr McGee. More than 100 of those clients have defected since the indictment.

Andersen has also been sued in a spate of lawsuits filed by Enron shareholders and creditors who accuse the firm of misleading them.

On Monday, Andersen announced plans to lay off 7,000 employees. It also is trying to raise cash by selling off its tax and consulting businesses.

Thousands of Andersen employees have demonstrated against the federal indictment, saying the government is jeopardizing their livelihoods because of the alleged crimes of a few.

Wire services contributed to this article.

**ST. PETERSBURG TIMES
(NE CITY EDITION)**

ST. PETERSBURG, FL
THURSDAY 351,110
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Enron pitched its strategy to others

■ The now-discredited company marketed to corporations its method on how to work the system.

4154 11 of San Diego
New York Times

HOUSTON — The sales pitch to major corporations went something like this: Having trouble with cash flow or meeting profit forecasts? We can help you manage the numbers, and even put a little cash in your pocket.

The financial expert was Enron Corp., which until its sudden collapse last year had been widely admired in financial circles for the innovative tech-

niques — like off-balance-sheet partnerships — that it used to enhance its performance.

But Enron did not just find creative ways to manage its own cash flow and profits. It marketed that expertise to other corporations, including AT&T, Eli Lilly & Co., Owens-Illinois, Lockheed Martin and Qwest Communications, according to documents and interviews with more than a dozen former Enron executives.

It is unclear exactly how many corporations hired Enron explicitly to provide financial management services. But at least six big companies signed complicated deals intended to enhance their results with financing and accounting ploys.

Please see **ENRON 5E**

Enron from 1E

Most of the deals involved purchasing other Enron services. Scores of smaller companies also may have participated, executives said.

Enron and a customer might, for instance, agree to swap telecommunications services, use shell corporations or take advantage of accounting loopholes to improve each other's balance sheet or income statement, former Enron officials said.

Few of the companies that signed deals with Enron would talk about them, while some that rejected Enron's proposals termed them peculiar. But former Enron employees who marketed the services said that their mission was clear: to sell a form of "structured finance" that could accelerate a customer's earnings or otherwise dress up the corporate books.

None of this would be unusual for Wall Street investment banks such as Merrill Lynch or J.P. Morgan Chase, which in recent years have used a wide range of derivatives and other structured finance products to help corporations reduce their taxes and deliver just the right amount of profits, quarter after quarter.

But the Enron scandal has heightened the sensitivity of regulators, investors and corporate finance experts to such efforts by underscoring the potential for fraud and deception. And the discovery that Enron was marketing its financial management techniques has only heightened the anxiety of some experts.

"This is outrageous," said Frank Partnoy, a

former Wall Street investment banker and now a professor at the University of San Diego School of Law, after reviewing some of Enron's sales presentations. "In some ways, they were polluting the entire financial system. To the extent that others weren't doing this, Enron was going out on the road and showing them how to do it."

Mark Palmer, a spokesman at Enron, declined to comment.

The critical point, finance experts say, is to distinguish between altogether legal strategies taking advantage of accounting and tax rules to smooth out bumps in quarterly earnings, and financial machinations that are so aggressive that the true nature of a company's finances is misrepresented.

"If accounting is just compliance with 10,000 rules, then the party that's expert at gamesmanship can manipulate the rules and help you in exchange for some kind of accommodation fee," said John C. Coffee Jr., a securities law expert at Columbia University Law School.

Former executives said that a culture of "earnings management" permeated Enron. They said it went far beyond the efforts of Andrew S. Fastow, the company's chief financial officer, who was dismissed last October after Enron discovered that he had made more than \$30-million from a series of off-balance-sheet partnerships that did business with Enron.

Former employees in Enron's broadband and retail energy services operations said the company's financial management strategies were first developed at Enron Capital and Trade, a unit that prospered in the 1990's under

the leadership of Jeffrey K. Skilling, who helped set up a "gas bank" to finance struggling gas producers.

By 1999, Skilling was Enron's president, and the company had grown more aggressive, stretching for lucrative, if ephemeral, deals in the spirit of the stock market bubble.

Corporations that did business with Enron were shown ways to disguise loans on their balance sheets; to book profits over long periods, even though a lump sum was paid upfront; or to lower near-term costs artificially to report higher profits, when necessary.

Former Enron employees said that there were dozens if not hundreds of techniques marketed to customers with names like the "tilted curve" or "blend and extend." Some acknowledged that the results — which included allowing clients to book premature profits and realize premature cash flow — sometimes leaned toward deception.

After Enron created a retail energy unit in 1997, to take advantage of the deregulation of electricity markets around the country, the sales force often arranged deals that traded big energy supply contracts for cash up front, in arrangements that executives said could be deemed as loans to Enron's customers.

Eli Lilly, one of the country's largest drug companies, said it was the offer of a cash advance that sold it on Enron's plan to supply the company with energy services over 15 years. "We saw it as they were so confident that they could deliver the savings to our company that they were willing to make an upfront payment," spokeswoman Joan Todd said.

ST. LOUIS POST-DISPATCH

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ENRON

EDITORIAL

E 4154 Manipulation 101

IS THE ENRON scandal an indictment of American business practices, or is it confined to a single rogue corporation that played fast and loose with reporting rules? Consider this:

The New York Times reported this week that before Enron Corp. collapsed last fall, it was marketing its peculiar brand of financial wizardry to other American corporations — and was finding willing buyers. Enron sold financial management services to such companies as AT&T, Eli Lilly & Co., Owens-Illinois, Lockheed Martin and Qwest Communications, teaching those companies how to accelerate earnings and dress up the books.

"In some ways, they were polluting the entire financial system," said Frank Partnoy, a

law professor at the University of San Diego.

Corporations were taught how to disguise loans; to book profits over long periods and to lower near-term costs so the books showed higher profits. Some of these techniques may be legal. Others may be manipulative, disguising the true picture of a company's finances. No one yet knows how extensive the mess will turn out to be.

Arthur Levitt, the former chairman of the Securities and Exchange Commission, warned against this kind of "earnings management" as long ago as 1998. "I fear that we are witnessing an erosion in the quality of earnings, and therefore, the quality of financial reporting," he said. "Managing may be giving way to manipulation."

No one paid attention then. There is plenty of attention now.

**NEW YORK TIMES
(NATIONAL EDITION)**

NEW YORK, NY
TUESDAY 248,860
APR 23 2002



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NEW YORK TIMES

NEW YORK, NY
TUESDAY 1,159,954
APR 23 2002

SAN FRANCISCO CHRONICLE

SAN FRANCISCO, CA
WEDNESDAY 527,466
APR 24 2002

Credit Raters Get Scrutiny And Possibly A Competitor

4154 Univ of San Diego
By **LESLIE WAYNE**

For years, Sean J. Egan has been trying to crack the cartel consisting of **Moody's Investors Service Inc.**, **Standard & Poor's** and **Fitch Ratings**, credit-ratings agencies with quasi-government authority and enormous global influence.

Mr. Egan, who runs a much smaller credit analysis firm in suburban Philadelphia, maintains that his judgment calls have been just as good — if not better — than those of the Big Three. But his pleas have been largely ignored by the Securities and Exchange Commission, which regulates credit agencies, and the marketplace has continued to confer rich margins on his competition.

But now, in the wake of **Enron**, Mr. Egan may at last get his hearing before the S.E.C., if not some satisfaction.

Already, the ratings agencies, which pass judgment on the financial health of companies and evaluate trillions of dollars in debt securities, have been hauled before Congress to explain why they failed to warn investors about Enron's problems.

Spurred on by that Congressional concern, the S.E.C. has announced that it will begin hearings on the industry — including the regulations that have limited the business of debt rating to an oligopoly of three.

"We want to understand the whole rating organization industry and it's operations," said Isaac C. Hunt Jr., an S.E.C. commissioner. "This is something we haven't re-examined in a long, long time."

Among the topics that the S.E.C. plans to



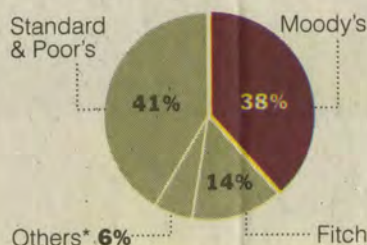
William Thomas Cain for The New York Times

Sean J. Egan, who runs the credit analysis firm Egan-Jones Ratings, has been seeking the Securities and Exchange Commission designation needed to give his ratings a government approval.

A Lucrative Designation

Three companies are designated by the Securities and Exchange Commission as nationally recognized statistical ratings organizations, giving them an oligopoly on the ratings industry. For Moody's, a publicly traded ratings company, this power has proved to be very lucrative.

2001 share of ratings market

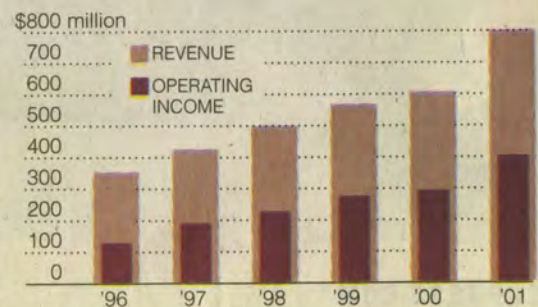


Note: Figures do not add up to 100 because of rounding

*Includes specialized agencies not needing S.E.C. designation.

Source: Moody's

Moody's results



Continued on Page 10

The New York Times

review are the economic barriers to entry, whether new consulting businesses started by some ratings agencies raise conflict of interest issues and whether the current regulatory system should be scrapped entirely and replaced with something else.

For Mr. Egan, the re-examination is long overdue. Since 1998, Mr. Egan's company, the **Egan-Jones Ratings Company**, has been seeking the S.E.C. designation needed to give his ratings a government stamp of approval. That designation would give his opinions the same standing in the debt markets as those from Moody's or S.& P., allowing him to expand beyond his current business of providing ratings only to a group of private clients.

At the moment, Mr. Egan says he is in a Catch-22. The S.E.C. has rejected his application because he lacks a large enough staff. But he says he cannot expand his business until he gets the S.E.C. designation.

"First they wouldn't return our phone calls, and after that they basically indicated they wanted us to become bigger," Mr. Egan said of his dealings with the S.E.C.

In 1975, in the wake of the default of the Penn Central Corporation, the S.E.C. set out criteria for what it termed Nationally Recognized Statistical Rating Organizations. The goal was to prevent unscrupulous companies from selling triple-A ratings to the highest bidder, but the practical effect has been to create an oligopoly protecting Moody's, S.& P. and Fitch while keeping others, like Mr. Egan's firm, out.

Critics say that the arrangement has allowed the agencies to become enormously profitable while shielding them from the consequences of bad calls.

"These guys don't face any competition," said Lawrence J. White, a professor of economics at the Stern School of Business of New York University. "They don't have to worry if someone else is asking harder questions or breaking the news. They are protected from the fresh winds of competitions. There are only three, and their small number makes them powerful."

Leo C. O'Neill, the president of S.& P., a unit of the **McGraw-Hill Companies**, said that he had nothing to fear from new competitors. "The fact investors use us speaks for itself," he said. "They would not use ratings if the quality was not outstanding. We survey investors frequently, formally and informally. They are pleased with what we do. I'll stand by that."

None of the three — Moody's and S.& P. are the largest and Fitch is a distant third — disclose much of the thinking behind their ratings decisions, like the questions that companies refuse to answer or the information used to reach conclusions about a company's health. They are also exempt from the S.E.C.'s rules on corporate disclosure, meaning that corporations can give them sensitive information without having to share it with other market analysts.

Moreover, the ratings agencies have some of the same protections that news organizations enjoy under the First Amendment. As a result, nearly every time they have been sued by disgruntled investors over a call gone bad, they have invoked their free speech protections to prevail in court.

So far, the S.E.C. has not said when it will begin its examination, let alone predicted where it will lead. One possible outcome is that others will be given the Nationally Recognized Statistical Rating Organizations designation; another is that the designation could be eliminated entirely, leaving the market to decide whose credit analyses are good and whose are not.

One thing is clear: Gaining a government designation as a rating agency is like getting a winning lottery ticket.

"Moody's and S.& P. are the closest thing to the regulators handing a company a free pass at a corporate A.T.M. machine," said Glenn L. Reynolds, chief executive of Credit-Sights Inc., a provider of investment analysis for institutional investors.

Only one of the three, Moody's, is publicly traded. Its financial statements provide a window into a business in which S.& P. has a 41 percent market share, Moody's has a 38 percent market share and Fitch has most of

the remainder.

With no investment in costly plant and equipment and minimal debt, Moody's profit margins are 50 percent. So it is not surprising that investors have flocked to Moody's stock, which is up more than 33 percent in the last year. The buyers have included Warren E. Buffett, whose Berkshire Hathaway owns 15 percent of the company.

"Moody's is the best franchise I've ever covered in my 20 years on Wall Street," said Kevin R. Gruneich, an analyst at Bear, Stearns. "These companies are not capital intensive and the macro trends for them are pretty awesome."

He estimates that S.& P., a more diversified company than Moody's, has margins of a lower, but still enviable, 30 percent.

"The wind is at their backs," Mr. Gruneich said of the Big Three.

Critics, however, look at these numbers

and question what the investing public is getting in return. Over the years, they note, the agencies have missed a lot of big calls, from failing to sound the alarm on New York's debt crisis in the mid-1970's, to the bankruptcy of Orange County, Calif., 20 years later to the rot at Enron.

Last fall, when most of the bad news about Enron was public and the company's stock was trading at \$3 a share, all three agencies maintained Enron's investment-grade status. Critics in Congress have focused on calls that the agencies received from Wall Street bankers, who were worried that a downgrade would jeopardize their loans to Enron. When the downgrading finally came, it began the process that drove the company into bankruptcy court.

"Their performance on Enron was abysmal," said Frank Partnoy, a professor at the University of San Diego law school and an expert on credit risk. "Based on the information available, they should have asked Enron hard questions months and months earlier. The ratings agency didn't even make the basic level of inquiry that you would have expected of responsible, sophisticated investors. A group of investors could have performed the same service as the ratings agency, simply by reading the newspaper."

The ratings agencies say that they were defrauded by Enron executives who lied to them, and that they were blindsided like everyone else. "Enron was truly an anomaly," said Fran Laserson, a spokeswoman for Moody's. "By and large, investors believe we do a good job at what we do."

Such self-congratulatory talk aside, some say that the industry's batting average will improve only through competition. That is certainly Mr. Egan's argument.

"On Enron, we were way ahead of Moody's and S.& P.," said Mr. Egan, who downgraded Enron's debt a month before the other agencies. "We argue the ratings firms have fallen far short of protecting investors. Hopefully Enron will get Washington to review the rules."



Bloomberg News

Leo C. O'Neill, the president of Standard & Poor's, says that his credit-rating firm has nothing to fear from new competitors.

**SAN DIEGO BUSINESS
JOURNAL**

SAN DIEGO, CA
WEEKLY 20,000
APR 8 2002



Empty Tanks Could Fill Void In San Diego Gas Crunch

4154
BY RENE'E BEASLEY JONES

Staff Writer

Robert Fellmeth believes he knows what causes part of San Diego's gas-price dilemma: A local shortage of fuel-storage capacity.

Three storage tanks — slated for demolition — on San Diego Unified Port District property could save at least \$105 million annually at local gas pumps, said Fellmeth, a professor at the University of San Diego and director of Center for Public Interest Law.

The tanks' demolition, which was halted by the California ISO in November 2000 at the height of the energy crisis, remains in limbo. Over the next 60 days, the port staff will prepare its recommendation for the National City Marine Terminal site, said port spokesman Steven Shultz.

No future use is being ruled out, including some form of the tanks remaining, the installation of new tanks or an entirely new use for the 5.7-acre site, Shultz said.

"At this time, it's not known what role, if any, the fuel tanks would play in reducing fuel costs in San Diego County," he said.

For nearly three years, Newport Petroleum of Signal Hill has expressed interest in redeveloping the tanks for gas storage, said Newport project manager David Diaz. The project would be done in two phases, costing about \$5 million.

Newport Petroleum delivers petroleum products to every major port on the West Coast except San Diego, Diaz said. No port storage facility exists here, setting up the scenario for artificially high prices.

"We know how much the city of San Diego needs this facility," he said.

The National City tanks offer a 348,000-barrel capacity, enough to reduce the price of gasoline in San Diego by at least 10 cents a gallon, Fellmeth estimated. The South Bay Power Plant used the tanks for fuel storage until 1992.

Duke Energy then leased the power plant from the Port District in 1999. Part of the lease agreement included razing the empty tanks.

"If the port wants to let us out of that portion of the lease, we have no problem with that," said Pat Mullen, a spokesman for Charlotte, N.C.-based Duke Energy.

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The Orange County Register

April 23, 2002, Tuesday

SECTION: STATE AND REGIONAL NEWS

KR-ACC-NO: K7359

LENGTH: 516 words

HEADLINE: State medical board seeks public input on how agency handles complaints

BYLINE: By William Heisel and Mayrav Saar

BODY:

SANTA ANA, Calif. _ The Medical Board of California will meet Wednesday to take public comment and discuss changes it is considering in the wake of an Orange County Register investigation into the agency's handling of patient complaints.

"This is a young board. I've been serving for not even 18 months, and I'm considered one of the senior members, but we are all dedicated to public protection," said Dr. Hazem Chehabi, a Newport Beach radiologist who is president of the board's Division of Medical Quality. "Can we do a better job? I'm sure there's room for improvement. Perhaps this is where input from the public or other observers will help."

The Register reported April 7 that the board reviews more than 10,600 complaints a year but thoroughly investigates about 20 percent of them. The state Board of Registered Nursing, by contrast, receives fewer complaints and investigates 70 percent of them. Many Medical Board investigations drag on for years. And doctors rarely lose their licenses.

One of the groups planning to attend the San Diego meeting is the Center for Public Interest Law, a longtime proponent of Medical Board reforms.

"I hope (board members) come out with some sort of affirmative proposal to fix some of these problems, and I hope that one of the centerpieces of their proposal is strongly enhanced public disclosure," said Julie D'Angelo Fellmeth, the center's administrative director.

Fellmeth said she hopes the board also backs a plan being discussed by state lawmakers to appoint an outside monitor to oversee the board's investigations.

Fellmeth helped the state set up a monitor to oversee the Contractors State License Board last year. The monitor is recommending an increase in contractor license fees to help fund the board and a fingerprinting program to help the state weed out contractors with criminal pasts.

"A lot of times boards don't have clout in the Legislature because they aren't campaign contributors and the licensees are working hard to block the reforms that they try to push through," she said.

The Medical Board is under heavy scrutiny from state lawmakers, who will question the board about its practices at a May 1 hearing in Sacramento, Calif.

"When I read that the Medical Board investigates only 20 percent of the complaints it receives _ contrasting that with the nursing board, right there I said, 'Oh my God,'" said Sen. Liz Figueroa, D-Fremont, who asked the board to address the that disparity. "I'm not just a legislator; I'm a patient as well."

MEDICAL BOARD HEARING

The meeting will be 5 to 9 p.m. Wednesday at Westin Horton Plaza Hotel, 910 Broadway Circle, San Diego. For information, call Medical Board weekdays at (800) 633-2322.

To see the questions state lawmakers are asking and to read the Register's investigation, go to www.ocregister.com and click on the "Doctors without discipline" icon.

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Los Angeles Times

April 17, 2002 Wednesday Home Edition

SECTION: California Metro; Part 2; Page 4; Metro Desk

LENGTH: 977 words

HEADLINE: Los Angeles;
Campaign Reform Goes Unenforced;
Politics: Santa Monica, Pasadena and Claremont delay action on voter- passed limits on gifts or jobs to officials whose actions aided the giver.

BYLINE: LIZ F. KAY, TIMES STAFF WRITER

BODY:

The people spoke, but those in power didn't listen.

So say proponents of a controversial campaign finance initiative passed by voters in three Los Angeles County cities more than a year ago.

Leaders in the cities--Santa Monica, Pasadena and Claremont--say the initiative infringes on the civil rights of elected officials, and they want the courts to declare the law unconstitutional. None of the cities is enforcing the law.

Now a Pasadena man has sued his city to force it to complete the necessary paperwork to get the law on the books--a process that typically takes no more than five days.

The law, promoted by the Santa Monica-based Oaks Initiative, requires elected and appointed officials to refuse campaign donations, gifts or jobs from anyone to whom they have granted a substantial "public benefit."

The law in Pasadena and Claremont restricts officials for five years after voting to grant such a benefit or a year after leaving office, and in Santa Monica six years after voting for a benefit or two years after leaving office.

Benefits are defined as contracts or exceptions, such as zoning variances, valued at more than \$50,000 in Santa Monica or \$25,000 in Pasadena and Claremont.

Pasadena resident Rene Amy says he doesn't really care what the initiative said. Frankly, he can't even remember how he voted on the measure. But he says it's up to the courts, not city officials, to decide if a law is valid.

"We tell people, 'Your vote counts,'" Amy said. "But the city fathers and mothers are basically telling voters, 'No, no, no.'"

Pasadena asked a judge Monday and again Tuesday to declare the law unconstitutional and to set aside Amy's lawsuit, said Michelle Beal Bagneris, city attorney.

Pasadena voters approved the measure in March 2001. The city did nothing and, according to a June 6, 2001, memorandum, Bagneris instructed the city clerk to wait another three months before filing the charter amendment to enact the law.

At the time, Bagneris said, she believed a decision on the validity of the law was imminent. If the city clerk enforced the law, she wrote, "officials could be forced to spend time and money defending themselves against lawsuits brought to remedy 'violations' of an unconstitutional law."

Los Angeles Times April 17, 2002 Wednesday

"It would be unduly costly for the city to install the computer-based administrative system to operate under this ordinance, especially if the law will be declared unconstitutional," said Pasadena Mayor Bill Bogaart. He said the estimate was more than \$200,000.

Carmen Balber, Oaks Project director, said the initiative fills a void left by the 1974 Political Reform Act, which limits campaign donations and gifts that candidates for state office may receive. The group, the grass-roots organizing unit of the Foundation for Taxpayer and Consumer Rights, trains citizens to be involved in politics.

Many municipalities passed local campaign finance limits after the 1974 act, Balber said. The Oaks initiative goes one step further, banning gifts to those who vote in favor of a contract because it's hard to prove in court that a donation is quid pro quo, said Robert Fellmeth, director of the Center for Public Interest Law.

"The only way you can do it is by taping people," he said.

This initiative is unusual because it puts the responsibility on public officials rather than givers, Balber said. But critics say that an outright donation ban is unnecessary, and that it wrongly singles out elected officials who vote in favor of contracts. Someone could also benefit from a no vote.

"It's burning the barn to roast the pig," said John Ramirez, an attorney for several initiative cases.

It may also violate the 1st Amendment, said Erwin Chemerinsky, a USC law professor.

He said the U.S. Supreme Court has ruled that political contributions are political speech and protected under the 1st Amendment. Although the court has not ruled specifically on a complete ban on campaign donations, it has stated that limits must be reasonable.

Although the law has not been enforced in Claremont, Santa Monica and Pasadena, it has already had an impact in those cities.

After two Claremont city commissioners resigned to avoid questions of conflict of interest, the council passed a resolution indemnifying any elected or appointed official sued under this law.

John Seery, Pomona College's politics department chairman, sat through many long meetings about sewer services as a volunteer community services commissioner.

But Seery decided he had to step down because the college often contracted with the city.

As a result of the law, "my right to participate in civic life in Claremont had been sabotaged," he said. "Serving as commissioner implicated me in many affairs of the college that would not normally come under conflict of interest."

"Our commissioners should not have to be concerned by the restrictions of the ordinance," Claremont Mayor Paul Held said. "Good and qualified people will be discouraged" from entering civic life.

Claremont and Pasadena tried to join a suit filed by Santa Monica against the law. Santa Monica, where the Oaks measure passed in November 2000, took the unusual step of suing its own city clerk to get a ruling on the law's merits. On March 29, a Superior Court judge dismissed the case on procedural grounds, but left the door open for an appeal. Santa Monica plans to file an appeal or wait for the outcome of Amy's case in Pasadena.

The only California city not challenging the measure is San Francisco. Its ethics commission adopted regulations for the initiative in July 2001.

"The weight is for the public official to comply with this requirement," said Mabel Ng, the commission's deputy executive director.

Complaints are kept confidential, but Ng does not know of any that were filed based on this law.

LOAD-DATE: April 17, 2002

The Good Guys

As usual, the lawyers at San Diego-based civil litigation boutique Thorsnes Bartolotta & McGuire are busy.

Name partners Vincent Bartolotta and John "Mickey" McGuire, both 56, are gearing up for a class action against Philip Morris Inc., R.J. Reynolds Tobacco Co., Brown & Williamson Tobacco Corp. and Lorillard Tobacco Co. The attorneys represent a class of California youths that alleges the tobacco companies unlawfully marketed cigarettes to minors.

Fellow name partner Michael Thorsnes, 59, is representing Pacific Bell in its challenge to the California Public Utilities Commission's audit that recommends the company refund \$350 million to consumers for alleged accounting misstatements.

A high-profile caseload is nothing new for the six-partner, 10-associate firm. In 1978, Thorsnes, a partner at San Diego's Higgs Fletcher & Mack, and his associate, Bartolotta, left to start their own firm. Just a few months later, McGuire joined from another local firm, McGinnis Fitzgerald Rees & Sharkey.

Since then, the three former defense attorneys and their colleagues have won billions of dollars for plaintiffs in the areas of construction defect, land subsidence, personal injury, wrongful death, insurance bad faith, medical malpractice and business litigation law. Thorsnes, who heads the firm's business litigation practice, represents defendants 25 percent of the time.

By now, the list of cases won or successfully settled by the firm is long, as is the list of annual "Outstanding Trial Lawyer" and "Trial Lawyer of the Year" awards bestowed on its partners by legal publications and consumer attorney groups.

But as plentiful as the success stories have become, one case stands out in its importance to the history and culture of the firm. In 1988, the firm negotiated a \$500,000 personal injury settlement for client Antonio Rivera, a Mexican national who was burned badly by a tar product in a roofing accident in 1985.

The satisfied client gave Thorsnes Bartolotta \$10,000 to use for charitable purposes, in addition to the money earned by the firm as a contingency fee. When the firm decided to use the \$10,000 to repair an orphanage in Rosarito, Mexico, it touched off a remarkable chain of events that has led to more than a decade of cross-border charity work performed by the firm for the children of Mexico.

Since 1989, Vincent Bartolotta, right, Mickey McGuire and their firm have donated enough money to keep a children's medical clinic in Rosarito going strong. Firm employees who volunteer to contribute have the amount they choose automatically deducted from their paychecks. The firm's six partners match the total contributions made by all other employees each month.

Thorsnes Bartolotta & McGuire lawyers are known for their stunning courtroom victories. Poor children in Mexico, however, know the San Diego plaintiffs' firm best for its cross-border generosity.
By John Ryan

**SAN FRANCISCO DAILY
JOURNAL**

SAN FRANCISCO, CA
MONDAY 6,000
APR 8 2002

**LOS ANGELES DAILY
JOURNAL**

LOS ANGELES, CA
MONDAY 24,000
APR 8 2002

Although it's difficult for one case to sum up a law firm's 23-year-old success story, the *Rivera* case — and its ripple effect on both sides of the border — comes close. It reflects a firm philosophy that refuses to separate legal victories for clients from the firm's ability to help disadvantaged souls outside the courtroom.

Thorsnes Bartolotta's first adventure across the border to help the dilapidated Hogar De Luz orphanage, home to 50 children in the Rosarito area, almost never happened. That's because Rivera didn't want one penny of the settlement once it was reached.

"He felt that the American dollar was the beginning of his heartache," Kevin Quinn, the attorney who handled Rivera's personal injury case, says. Quinn joined Thorsnes Bartolotta in 1982 and became partner in 1987.

"He was disenchanted after the accident and didn't want to stay in America or take the money," Quinn says.

According to Quinn, Rivera came to San Diego from the Mexican state of Oaxaca in the mid-1980s to find more lucrative work and send money back to his relatives. A skilled handyman, Rivera bounced from one temporary construction job to another.

One of those jobs was repairing the roof of a home in La Jolla. As Rivera worked on the roof, the owner of the home placed a large can of tarring material on the kitchen stove to heat it before its use as an adhesive. The owner then left to purchase more materials for the job.

Minutes later, when Rivera heard the screams of the owner's wife and children, he came down from the roof and ran into the kitchen. Although no one was in immediate danger, the tar was bubbling wildly and had set the kitchen curtains on fire.

Rivera used two large pieces of cardboard as mitts to pick up the can of tar. He eventually threw the can over his head and out a window, but not before the bubbling tar badly burned his neck, back and hands.

The can of tar landed on the lawn, where it cooled without further incident. Despite the initial panic caused by the quickly burned curtains, the homeowner's property suffered little damage.

Quinn decided to sue the homeowner for his negligent actions and the Marvin Corp., the makers of the tar product, because it put contradictory labels on the product.

"On one side, it said to heat for ease of application, and on the other side, it said keep away from fire," he says.

The straightforward case settled before trial, with \$350,000 of the Rivera's \$500,000 settlement money coming from the Marvin Corp. But Rivera wasn't interested in any of it.

Although the accident did not permanently disfigure Rivera, it made him more superstitious about money. According to Quinn, Rivera believed that his pursuit of money in America led to his injuries and that accepting the settlement would lead to greater misfortune.

Quinn and Rivera's brother spent several weeks convincing Rivera that the money could lead to good.

He finally agreed. After accepting the settlement, Rivera donated \$50,000 to the burn unit at the University of California, San Diego, medical center, which had treated his burns, and \$25,000 to a San Diego church. Aside from the \$10,000 that Rivera entrusted to Thorsnes Bartolotta, Quinn says that Rivera returned to Oaxaca and intended to spend the remaining money on farm equipment and other supplies for the region's families.

Quinn hasn't heard from Rivera since he returned home in 1988.

"I just had the good fortune of representing him," Quinn says. "He is an incredibly decent human being."

By the time the case settled, Bartolotta had learned of the plight of Mexican orphanages from a local businessman and firm contact, Tom Benavides, who had been volunteering at Hogar de Luz for several years.

Favoring a hands-on approach, the partners decided to spend the \$10,000 on building materials to repair the orphanage themselves. Bartolotta, a former Marine, sought additional help from his contacts at the Camp Pendleton Marine base.

Over the course of four weekends in the fall of 1988, 50 Marines and Thorsnes Bartolotta employees repaired and renovated the orphanage by building additional beds, fixing floors, adding insulation in the walls and installing a heating system.

Word of the charitable effort spread quickly in the child-advocacy community in Baja California and led to another request for help, Bartolotta says.

Several months later, the team of Marines and Thorsnes Bartolotta employees made similar repairs to the Hogar Infantil "La Gloria" orphanage just south of Tijuana. Like Hogar de Luz, "La Gloria" cares for 50 children.

During this round of repairs, the firm learned of the Clinica del Niños, a children's medical clinic in Rosarito. Founded by two Mexican doctors in 1986 to treat poor children of the region, the clinic was about to shut its doors in 1989 because of lack of funds.

The firm didn't think twice about preventing what they thought would be a tragedy.

"We decided that it was good karma and a great project to keep it open," Bartolotta says. "The money pays for the only medical care these kids would receive."

Since 1989, Thorsnes Bartolotta has donated enough money to keep the clinic going strong. Firm employees who volunteer to contribute have the amount they choose automatically deducted from their paychecks. The firm's six partners match the total contributions made by all other employees each month.

In addition to the three name partners and Quinn, the partnership includes full-time plaintiffs' litigators Mitchell Golub and Daral Mazzearella.

According to firm administrator Linda Page, 75 percent of the firm's 70 employees participate in the program, which sends \$30,000 to the clinic each year.

As satisfying as the funding program is, employees typically are more enthusiastic about an in-person component of the charity that also began in 1989.

Each December, Thorsnes Bartolotta hosts a Christmas party at the clinic. The event is not limited to clinic patients but includes all children in the region who wish to attend.

Firm employees, usually about half of the firm or more, take the hourlong bus ride to the clinic to run the event. Each child gets cake, ice cream and a couple of swings at the piñatas, as well as toys and clothing; gifts the poor children otherwise could only dream of getting.

About 300 children came to the party in its first year. Last Christmas season, more than 600 children attended.

Page says that the emotional event is one of the firm's most valued traditions. Many employees take their families as a way to show their children an environment in which less fortunate children live.

"There's never a dry eye there," Page says.

The story of the firm's contributions across the border doesn't end at the clinic. In fact, in the year after the firm first saved the clinic in 1989, it launched another annual event with San Diego's Mercy Hospital, one that has improved the lives of hundreds more of Mexico's poorest children.

Since the mid-1980s, Mercy Hospital has sponsored a Mercy Outreach Surgical Team. The project funds doctors and nurses who travel into Mexico to perform surgeries for children with congenital deformities, such as cleft lips and palates, and other disfigurements resulting from injuries, such as severe burns.

Mercy doctors and nurses were interested in expanding the project to include a round of surgeries in San Diego for Mexican children, in addition to the trips into Mexico.

"A lot of children in Ensenada and Northern Baja need to be taken care of," Tom Vecchione, a cosmetic surgeon who has worked on the outreach team since its inception, says. "We believed we could do it more efficiently and safely here than down in Ensenada."

Aware of Thorsnes Bartolotta's work with the orphanages and clinic, Vecchione contacted Bartolotta, a good friend, for help. The response was predictable.

Since 1990, the firm has funded a five-day event in which children from Mexico are transported across the border for cosmetic surgeries at Mercy.

Each September, firm employees and Camp Pendleton Marines pick up the children at the border in vans rented by the firm. The team takes the children to St. John's church in San Diego, which is set up with rows of cots to become a temporary home.

On the day before the surgeries, clowns, videos and games keep the children relaxed as nurses inform them of what the day ahead entails. After their surgeries, the children remain at either the hospital or the church for a few days so they can receive medicine and post-operative treatment until the vans take them back home.

Throughout the five days, firm employees rotate in shifts to cook meals for the children at the church. Like the clinic Christmas

party, the Mercy event is an important one for the firm.

"You have these kids who thought they were never going to be handsome," McGuire says. "But their wounds are healed, and they are totally ecstatic. Before, their heads were down."

Individuals who are operated on one year often come back in subsequent years to help the firm employees, Marines and hospital staff work with the children and keep them relaxed.

Over the years, the event has garnered much attention and become a citywide team effort. Drug companies donate the medicines required for the procedures and the aftercare. The Rotary Club and other local organizations also donate resources and help hire entertainers. Bartolotta's mother, now 85, organizes the clothing drive that sends each child home with a fresh bag of clothes.

Unfortunately, the terrorist attacks of Sept. 11 led to a heightened emphasis on border security that made the event impossible last year. But the firm is looking forward to this year's event.

Vecchione says the extra day of surgeries in San Diego has proved an effective complement to his team's trips into Mexico.

"It's very gratifying, being able to change 90 to 100 lives in a day," he says.

The firmwide initiatives to improve the lives of Mexican children are a big part of the firm's community efforts but by no means an exclusive focus.

The firm supports close to 40 other organizations, such as the Big Brothers of San Diego; the Special Olympics of California; the American Ireland Fund, which supports cultural endeavors in Ireland and Northern Ireland as an alternative to violence; St. Vincent de Paul, a homeless shelter and social services organization led by famed activist Father Joe Carroll; and the University of San Diego.

Bartolotta, in fact, has served as chairman of the board of St. Vincent de Paul for the past five years and has worked with the organization for more than 15 years.

Thorsnes serves on the board of trustees at the University of San Diego. He also is the top political man of the heavily Democrat firm, working on the Democratic National Committee, the Democratic Legislative Campaign Committee and the Democratic Senate Campaign Committee.

Over the past 20 months, Thorsnes says, he has helped the Democratic Party raise more than \$2.4 million. He also serves on the Judicial Selection Advisory Committee of Gov. Davis, for whom he campaigned in 1997-98.

"The governor carried both the city and the county last election," Thorsnes says. "San Diego's no longer a sleepy little Republican town."

He predicts that Davis will carry both San Diego and the state again in the November 2002 election against Republican nominee Bill Simon.

McGuire's favorite effort outside his practice is rooted in the firm's cross-border interests. He devotes both time and money to the Los Niños fund, a national organization that raises money for Mexican hospitals and orphanages.

He also is the firm's managing partner, an administrative role that rotates among the partners.

The firm attempts to be nonchalant about its charitable efforts, often taking the attitude, as articulated by Thorsnes, "We get more than we give."

Bartolotta says the charitable work simply goes "hand in glove" with the firm's practice. Most of the attorneys' time, he says, is spent on reversing the fortunes of individuals who have been devastated financially or physically or both.

In this light, helping the children in Mexico almost seems like an obvious thing for the firm to do.

"What could be more appropriate?" Bartolotta asks. "These kids really are the desperate of the desperate."

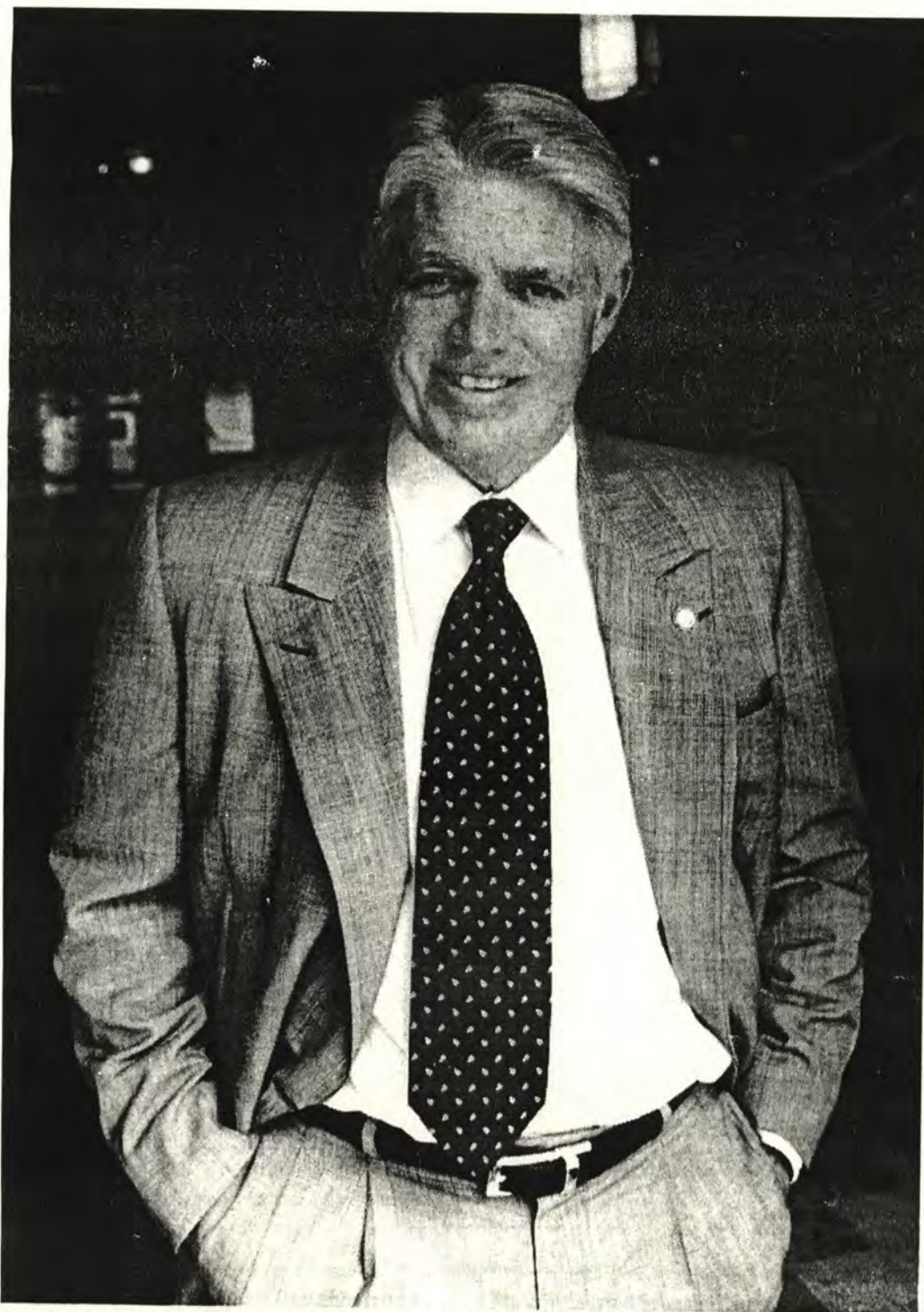


Photo by S. Todd Rogers

14 | CALIFORNIA LAW BUSINESS | APRIL 8, 2002

The firm attempts to be nonchalant about its charitable efforts, often taking the attitude, as articulated by Thorsnes, "We get more than we give."

UNION LEADER

MANCHESTER, NH
SATURDAY 89,000
APR 13 2002

In Vegas, nobody's betting against Hunt

FRONT PAGE

Getting in the mood to work on this Vegas-oriented piece was easy.

It was like playing with house money.

First, I rewatched "The Godfather, Part II," then I rewatched "Bugsy," then I rewatched "Casino" and the original "Ocean's 11," but I had to draw the line at a second screening of "3,000 Miles to Graceland."

Kevin Costner should be in prison for his role in that film — Kurt Russell could go down as an accessory — and

since this piece is about a law-and-order guy from New Hampshire who hopes to become attorney general for the state of Nevada . . . well, I didn't want to pony up \$3.89 at Home Vision Video to support a criminal enterprise.

The law-and-order guy from New Hampshire is attorney John Hunt.

On March 27, John — a Democrat — announced his candidacy for the top law-and-order position in Nevada. For a guy who specializes in commercial litigation, such a candidacy might be viewed as a daring professional leap, but the 1972 Central High School graduate is

no stranger to daring leaps.

"I took a double-dare once," he laughed. "We were at Gossler Park, watching the ski jumpers at the Winter Carnival and one of my friends dared me to take my sled off the jump. When they were done, I did."

You don't need to know about the landing.

What you do need to know is that John landed in Nevada back in 1977, and in the intervening quarter century, he has made himself an important play-

CLAYTON, Page A9



John Clayton

AT LARGE

CLAYTON

(Continued From Page A1)

er out there in the gaming capital of the world.

This is not to suggest that he has forgotten his local roots.

I mean, how many other 48-year-old attorneys list their brothers and sister on the front page of their *curriculum vitae*? It was fitting, therefore, that two of his siblings were in the audience, front-and-center, when John launched his campaign on the steps of the Lloyd George Federal Courthouse in Las Vegas.

One sibling was his baby brother, James Hunt. Like John, Jim makes his home in Vegas now — he's president of the Las Vegas Rotary Club — which pretty much assures at least one vote in the Hunt column come November. The other sibling was his sister, Nancy (Hunt) Ouellet, who secretly flew out from Manchester to be there.

"I think it was a shock for him to see me there," Nancy said, "but it was a thrill. There were more than 200 people there — the governor, the mayor — and it was all for this little hometown boy who walked through those majestic halls at Central."

There's a risk of overstating the obvious when you say that a Manchester kid came from humble origins, but the Hunts are proud of their heritage. The father, Francis Hunt, was a shoe-worker. The mother, Elizabeth Hunt, was a textile worker who lunched the clock at Waumbec and Pandora.

Their six kids did their share to augment the family income.

"True story," John laughed. "I used to sell The Union Leader. I was in the fifth or sixth grade. We'd pick up 50 copies in the alley behind the paper and I'd go out and work the corner of Hanover and Elm. 'Paper, paper, get your Leader paper!'"

It's unlikely that John's opponent — a Republican named Brian Sandoval — could match him in the Horatio Alger department, but it's one thing to sell newspapers. Now he's trying to sell himself to Nevada voters.

For a first-time candidate, he has an impressive track record.

After being graduated from Central, he joined the U.S. Air Force. After two years as an aide at the Air War College in Montgomery, Ala., he joined the 509th Bomb Wing at Pease Air Force Base.

That posting enabled him to take courses at the University of New Hampshire, and upon his discharge, he transferred to the University of Nevada at Las Vegas where — as president of the statewide association of university students — he represented their interests before the state legislature.

Oh, he got an accounting degree from UNLV, too, which helped him land a job with the audit division of the Nevada Gaming Control Board.

While in law school at the University of San Diego, he interned in Washington with former U.S. Sen. Howard Cannon, D-Nev.

After passing the bar (which triggered a major celebration in his

parents' apartment on Green Street in Manchester) John worked with celebrity attorney Morton Galane on high profile cases in Vegas — such as Wayne Newton's libel suit against NBC — and in 1988, he started his own law firm.

Clearly, he's on firm footing out there; firm enough for his first foray into elective politics, which is a passion he traces right back to New Hampshire.

"Being from Manchester, we just thought we had this political birthright," he said. "When I was at Central, I was sports editor for the yearbook. When all these Presidential candidates would come through, I got to go to the receptions. Somehow, it got into my blood, so by the time I got to work in the Senate . . . I couldn't believe a kid whose parents worked in the mills could have that opportunity."

"The sense of political history and tradition I have — and it's from growing up in New Hampshire — has been invaluable to me," he added.

Sadly, being from New Hampshire doesn't guarantee elective office in other states — I think we should look into that, by the way — so John's campaign platform reflects three major issues facing his adopted home state.

This is where I must confess surprise.

I figured the job of attorney general in Nevada would be the easiest job in the world. I mean, what's illegal out there? Excessive consumption of buffet shrimp? Bad Elvis impressions? Then John started listing some of the weighty issues on the table.

Those issues include sky-high power rates, sky-rocketing medical malpractice insurance premiums and a pie-in-the-sky plan for a federal nuclear waste repository in the nearby Yucca Mountain range.

In terms of fund raising, he has a few mountains to climb.

His opponent already has more than \$600,000 in his campaign coffers. John's raised less than \$100,000 thus far, but he does have the endorsement of the current AG, the incumbent mayor, a former governor, a former U.S. Senator and former UNLV basketball coach Jerry Tarkanian — don't laugh, it's a big deal out there — plus his wife Lisa and their three children, William, Parker and Lauren.

More money may soon be coming his way, because — unless you count the former topless dancer who is running for governor — John is the only Democrat who is seeking one of the state's six constitutional offices.

In time, the money will come. Voters will too, but if you asked me to set the odds on a New Hampshire guy being elected attorney general of Nevada?

Sorry, I don't do odds.

But I wouldn't bet against him.

(John Clayton's newest book is a collection of veterans-related stories entitled "New Hampshire: War and Peace." His website is www.johnclayton.net)

PROFILE

Blackballed for Her Gender, Jurist Has Risen Above It All

FRONT PAGE

BY SIMON AVERY

SPECIAL TO SAN DIEGO COMMERCE

SAN DIEGO — When Judge Laura

Palmer Hammes planned to be a lawyer, she never imagined she might not be hired.

Yet when she graduated from Stanford Law School 30 years ago, she couldn't get a law firm to hire her as a litigation associate.

A hiring partner in a San Diego firm told Hammes that he wanted to hire her, but ...

"He said that seven of the eight partners wanted to hire me, but the one hold-



Laura Palmer Hammes

Continued from page 1

out threatened to blackball me," Hammes said. "The partner wanted to blackball me specifically because I was a woman and [he] feared that I would upset the equilibrium in the office."

Rather than be outraged that the male-dominated law firm traditionalists wouldn't give her a chance, Hammes forged ahead and landed a job in the San Diego County district attorney's office.

Hammes, 55, who presides over a criminal trials calendar in San Diego Superior Court, said she chose not to fight the male chauvinism she faced as a young lawyer.

In fact, Hammes said, all her life she has steered away from being a women's rights advocate.

Nevertheless, Hammes was a pioneer. She was the third woman hired by the San Diego prosecutor's office.

"My immediate supervisor led me right into the lunchroom," Hammes said, "and he said, 'This is where you're going to learn your job.'"

"It was a male enclave. I felt like an interloper."

Hammes said her supervisor was right. She learned a lot during those brown-bag lunch days with fellow prosecutors who compared case notes and discussed the law.

The men, Hammes said, treated her like a baby sister, and she gratefully accepted any help they offered.

"I'm sure there was some consternation," Hammes said, "but at the time, I was naïve."

Hammes said that these days discrimination has been driven underground because it can't be spoken.

"You can't imagine a firm these days saying, 'We're not going to hire you because you're a woman,'" Hammes said. "They couldn't say that."

But women still face discrimination in law firms, Hammes said. She reads about it all the time.

"There seems to be a glass ceiling that still exists in civil firms," Hammes said. "I haven't personally been in a civil firm, but women still complain that that element is out there and it's difficult for women to break through."

Hammes said she was given every opportunity in the district attorney's office, where she worked for 12 years.

In 1982, Hammes took a leave of absence from the office to work as assistant director at the Center for Criminal Justice Policy and Management at the University of San Diego.

She spent a year working with professor Edwin Meese III, who later became

the U.S. attorney general. They worked on revising California's criminal procedure following the passage of Proposition 8, known as the Victims' Bill of Rights.

"I worked on a series of constitutional amendments to let in more evidence," Hammes said, "to give victims more rights in the criminal justice system."

The project didn't escape the notice of Gov. Deukmejian, who appointed Hammes to San Diego Municipal Court on June 14, 1984. He elevated her to Superior Court 1½ years later, on Dec. 31, 1985.

These days, Hammes routinely hears murder, robbery, sexual assault and child abuse cases.

She has a reputation for being very astute.

"She's clearly a scholar within the criminal law area," Stephen Robinson, a deputy district attorney, said. "She is on top of all the cutting-edge issues that are coming out."

"We banter back and forth, but you don't have to explain the cases to her."

Robinson said Hammes lets attorneys try their cases without interfering in the process. The judge also crafts jury instructions to clarify the law if she thinks jurors will not understand a particular distinction in the law, he said.

Hammes uses her soft-spoken and elegant manner to control obnoxious attorneys and unruly defendants.

"I developed a policy for attorneys who come in with would-be accusations against the opposing party for interfering with the case," Hammes said. "I tell them that, if it's important enough to bring it up, put in writing the ethical violation and recommend appropriate sanctions."

"I tell [attorneys], 'You can't just informally start accusing the other side.' It starts, but I stop it."

Hammes said she has fewer problems with defendants than she has with some attorneys.

"You'd be surprised how well-behaved criminal defendants are in court," Hammes said.

Last year, Deputy District Attorney Andrea Freshwater said Hammes' "regal presence and firm control over her court" kept in line a 6 foot, 200-pound gang member whom Freshwater was prosecuting.

Freshwater initially thought the defendant — who had committed armed robbery, led police on a high-speed chase and then tried to escape by stealing handcuff keys — would be unruly in court. *People v. Terry*, 156389 (San Diego Super. Ct., tried in 2000).

Freshwater expected that the defendant would continue his terrorizing behavior in the courtroom, especially when Hammes sentenced him to 100-plus years. But the

defendant was well-behaved in court.

"[Hammes] treats defendants with a certain amount of respect — a mixture of respect and authority — and in return, defendants don't go off on her," Freshwater said. "Defendants end up trusting her, figuring she's going to give them a fair shake."

"She's like a mom. She's firm but gives them respect as long as they respect her in return."

Greg Maizlish, a deputy public defender, agreed that Hammes is good at controlling defendants.

"Judge Hammes has a unique ability to control the demeanor of criminally accused people who appear before her," Maizlish said.

Furthermore, he said, Hammes knows and respects the law.

"If presented with appropriate authority, Judge Hammes will make an appropriate ruling," Maizlish said. "She is not partisan when it comes to analysis of the law, which is a valuable commodity in a judicial officer."

But another defense attorney disagreed.

"Hammes has a prosecutorial bent, especially on hot-button issues such as sex crimes," the attorney said, speaking on condition of anonymity.

Hammes said she doesn't differentiate among crimes.

"Legal issues are so consuming," Hammes said. "I'm thinking about the law and how to apply it. So much of the law has changed."

"With respect to sex crimes, [judges] have to do a lot of research on sex strikes and three-strikes, when it comes to sentencing. It's a matter of interpretation of the law."

Hammes said that, when she first got on the bench, she worried about whether she was pro-prosecution.

"The first couple of years, I had to second-guess myself," Hammes said. "I was constantly asking myself, 'Am I thinking like a prosecutor?'"

Hammes said she doesn't think like an advocate anymore. Nor does she spend time worrying about verdicts.

"Since I trust the jurors, I don't get emotionally embroiled in the verdict," Hammes said. "I really do trust jurors."

"The questions [jurors] ask and depth of feeling they put into deliberating a case — you can see their distraught faces after the haggling over a verdict."

Hammes is married to a prosecutor, F. Robert Hammes, a deputy district attorney in San Diego. She always advises defense attorneys and defendants of her tie to the district attorney's office, according to Freshwater.

Furthermore, Freshwater said, "Judge

Hammes does not hesitate in changing rulings against the prosecution."

Mary Ellen Attridge, a deputy alternate public defender, agreed.

"You couldn't have a better judge as a defense attorney," Attridge said. "[Hammes made] a very gutsy call."

Attridge represented one of three juveniles at a hearing to determine whether the three juveniles could be tried as adults in a highly publicized murder.

At the same time, Attridge asked the judge to release them because they had falsely confessed to a murder they didn't commit.

After a six-week hearing, which included 40 hours of videotape, multiple witnesses and complex questions of law, Hammes decided that the prosecution had met the minimal legal standard to try the juveniles as adults.

But in an extraordinary statement, Hammes added, "If this were a court hearing, these boys would be not guilty."

Then Hammes ordered the juveniles released on their own recognizance. During jury selection, a different judge dismissed the charges after DNA testing exonerated the juveniles, Attridge said.

Hammes said she could not comment on the case.

Her observations during her 30 years in the criminal justice system have led Hammes to conclude that the majority of criminal defendants didn't have the benefit of a proper upbringing.

Hammes feels lucky to have grown up in a middle-class Point Loma neighborhood, where stay-at-home mothers served homemade cookies and milk.

"It was Camelot for kids," Hammes said. "It was almost too good."

Hammes had decided by age 14 that she was going to be a prosecutor, taking after an uncle.

But after graduating from high school, she majored in philosophy at Pomona College, where she earned her bachelor's degree in 1968.

"It was the worst possible thing for me to study in terms of preparing for law school," Hammes said. "It's big-picture thinking, and with law, you're picking apart issues without the big picture."

"The transition for me [from philosophy to law studies] was extremely difficult."

Hammes earned her law degree from Stanford University School of Law in 1971 and returned to San Diego.

She met her future husband in a bar review course, but they didn't marry until 1976. The couple has two children: Jarod Hammes, 24, who is a network administrator in a technology company, and Jillian Hammes, 21, who is studying biology at a local university.

^ Hammes' ambitions in law made her a

Commission pairs candidate list for full-time attorney to five

FRONT PAGE

BY ROBIN CAMPBELL
News-Leader

4154 San Diego U Scholz Law
Fernandina Beach should have its first full-time city attorney by the first city commission meeting in May, City Manager Bob Mearns said at last week's meeting.

On March 19, the commission asked Mearns to review the 21 applicants for the city attorney position using a matrix of his design. Mearns said he would rate the applicants and give the commissioners a list of those who qualified, according to his criteria. Nine people made the cut.

The commissioners further narrowed the list to five candidates. Each person on the list was chosen by four out of five commissioners to be their top five choices. City Clerk Mary Mercer will schedule a two-day interview period for the applicants, in which they will be interviewed one-on-one by each commissioner and in front of the commission as a whole, just as Mearns and four others did in February for the city manager position. Mercer said she is aiming for the fourth week in April.

To avoid the same confusion that plagued the city manager selection process, Interim City Attorney Jeffrey Tomassetti recommended that the proposed full-time attorney contract be sent to each applicant and that each be directed inform the commission in advance of any changes that would be desired.

The list of finalists include two Fernandina Beach lawyers who have served the city previously:

- Anthony Leggio, a former city attorney whose contract was not renewed in 1997, said the transition from Tomassetti to him would be a seamless process because he is knowledgeable of applicable state, local and federal laws and regulations and the city's charter. He also said he is familiar with the city's administrative structure encompassing city manager, city clerk, controller and all department heads with whom he said he enjoyed an "excellent working relationship" with from 1993-97.

Leggio has a law degree from Duke University. He is a member of the Nassau County, Florida, Georgia and North Carolina and American Bar associations. In addition to being the city's former attorney, Leggio was the attorney for the former Nassau General Hospital — now Baptist Medical Center.

CITY Continued on 1A

NEWS-LEADER

FERNANDINA BEACH, FL
WEDNESDAY 10,500
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CITY Continued from 1A

Nassau — and works currently as a full-time mediator and arbiter.

- Jim Shroads, also a Fernandina Beach lawyer, has been assigned to several issues facing the city that Tomassetti could not participate in due to conflicts of interest. Shroads has a law degree from the University of Miami and has been a member of the Florida Bar since 1976. While he admits having limited experience as an attorney representing government, he says he has extensive experience representing clients in their dealings with local, state and federal governmental bodies, as well as 10 years service as a resident on Fernandina Beach Planning Advisory Board.

Shroads said he has "significant experience" in land use matters, including comprehensive planning, developments of regional impact, subdivisions, zoning, building permit issues, access management and historic properties.

Shroads worked for Rayonier Inc. in Fernandina Beach from 1983-99 as the company's southeast regional counsel. Prior to that he worked for ITT Community Development Corporation in Palm Coast, Fla., as senior staff attorney.

- Debra Braga, from Winter Park, Fla., said she has more than 10 years of local government law experience in a wide range of areas. She has worked in the city attorney's office for the city of Orlando, representing the Public Works Department, as well as the downtown development board and Community Redevelopment Agency. Braga was the lead attorney for the closure of the Orlando Naval Training Center.

Braga, who has a law degree from the University of San Diego School of Law, currently manages a small office for Scottish Development International, which is the international division of Scottish Enterprise, the economic

development organization for Scotland.

- Gary E. Eckstine has been a member of the Florida Bar for 28 years and worked for the city of Jacksonville Office of General Counsel for 19 years. Serving as a litigator for the general counsel's office for about 10 years, he said he litigated zoning and land use cases, breach of contract cases, civil rights and employment cases, challenges to the constitutionality of municipal ordinances and injunctions and other "extraordinary" writs.

Also, Eckstine said he served as the general counsel's chief contract attorney for about five years. In that position, he said, he negotiated and drafted all major professional service contracts for the city and its independent authorities and reviewed all bid contracts prepared by the operating divisions. In 1999 he became the county attorney for Flagler County, where he served until May 2001. In that time, he said, he rewrote Flagler County's land development code and proposed a comprehensive plan amendment modifying restrictions on the development of rural land.

Eckstine has a law degree, with High Honors Order of the Coif, from the University of Florida.

- The commission's fifth finalist is Rafael E. Suarez-Rivas, a senior assistant city attorney for the city of Hollywood, Fla., whose areas of professional concentration include city, county and local government law, commercial law and litigation, zoning law, procurement law, public works contracts and real estate property law.

Suarez-Rivas, a member of the Florida and Broward County Bar associations, has a law degree from the Nova University Law Center. He has also worked for the special counsel in the city of Boca Raton's Attorney's Office, as an assistant county attorney in Broward County, as assistant city attorney in Miami and Miami Beach and as city attorney for the city of Miramar.

ORANGE COUNTY BUSINESS JOURNAL

IRVINE, CA
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APR 29 2002



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Partner, St. George & Carnegie, Irvine

St. George, who holds her juris doctorate from the University of San Diego Law School, represents Fortune 100 companies on such matters as intellectual property, licensing and marketing, technology development and Internet-related



issues, putting her at the forefront of some of the most complex legal issues of our times.

She also is president of the Orange County Association for Corporate Growth, one of the leading chapters in the national organization. Her other involvements include board membership for KOCE-TV Foundation and the Orange County Venture Group and membership in the Newport Business Forum.

Avoiding the Debacle

415*

In the late 1990s, Higgs Fletcher & Mack managing partner John Morrell watched from the sidelines while other law firms aggressively chased dot-com business.

But Morrell didn't lead his firm, San Diego's ninth-largest, down that road.

His bankruptcy background played an important role in that decision. Morrell says he has a keen sense of which business strategies work — and which don't. That insight has expanded firm profits during years of increased competition from Silicon Valley firms moving into San Diego.

"We haven't built our firm around serving high-tech clients," Morrell says. "The Palo Alto firms have come down and tried to re-create what's in the Silicon Valley. But San Diego is more diverse than that."

Such business decisions have helped Higgs Fletcher thrive, according to Morrell. He says that the firm's profits increased more than 10 percent in 2001, a year when many tech-focused Silicon Valley firms saw their profits plummet.

"We've had the best back-to-back three years," he says, referring to per-partner-profits for 1999, 2000 and 2001.

While he won't release specific profit figures, Morrell will say that the firm's gross revenues increased from \$19 million in 2000 to \$20 million last year.

Legal recruiter Lawrence Watanabe calls Higgs Fletcher a stable, well-established firm.

"Frankly, due to their [lower] rate structure, they've been able to capture some of the work that the larger national firms can't service because of their rates," Watanabe says.

Partner rates at Higgs Fletcher range from \$165 to \$325 per hour, depending on the attorney's practice area and experience, according to Morrell. By contrast, partner rates at Northern California-based firms such as Brobeck Phleger & Harrison and Cooley Godward typically exceed \$400 an hour.

Higgs Fletcher, one of the city's oldest law firms, has deep roots in the community. It was founded in 1939 by DeWitt "Dutch" Higgs and Ferdinand Fletcher and has grown from two to 60 attorneys.

Higgs Fletcher started as a general-practice firm, serving areas such as probate, real estate and litigation.

Today, the San Diego firm includes corporate, intellectual property, litigation, real estate, tax, employment, bankruptcy, probate and environmental law.

"We're full-service for what is predominantly in San Diego," Morrell says. "If you're doing business in San Diego, we can service your needs."

Although Higgs Fletcher previously had branch offices in outlying San Diego County — in cities such as Oceanside and Escondido — the firm has closed or spun off all of them, Morrell says. The firm now has just one office, on West A Street in downtown San Diego.

And looking forward, Morrell has no plans to open another office in the near future. That's because the firm sees its niche as a San Diego-based law firm serving primarily San Diego-based clients.

"It's been helpful to have the expertise all in one location," says Morrell, whose office overlooks the San Diego harbor. "We've built our firm to provide what is needed in this locality. We have plenty to do right here."

While everyone else was
chasing dot-coms, Higgs
Fletcher's John Morrell
concentrated on the basics.
BY TONI VRANJES

Morrell, a third-generation native San Diegan, has strong ties to the region. He graduated from the University of San Diego Law School in 1984, after which he completed a clerkship for U.S. Bankruptcy Court Judge Ralph Pagter.

Morrell joined Higgs Fletcher in 1985 as an associate. Five years later, at 30, he became the youngest equity partner in firm history.

Morrell, 42, has continued to climb the ranks. The ambitious lawyer became managing partner in 1997, a position he has held ever since. Morrell, who also chairs the firm's bankruptcy group, focuses on corporate and partnership reorganization and liquidation. In one of his cases, he's representing the Lyons of California Inc. restaurant chain, which filed for Chapter 11 bankruptcy protection last October.

"When you work in bankruptcy reorganization, you're not just a lawyer — you're also an adviser to clients," Morrell says.

The seasoned attorney has used his expertise to compete effectively with the tech-heavy firms, such as Brobeck Phleger and Cooley, that have set up shop in San Diego County during the past couple of decades.

One way Morrell has done this is by concentrating on Higgs Fletcher's strengths rather than adopting the business models of tech-focused, Silicon Valley firms.

"That wasn't a core competency of ours," Morrell says, adding that the firm was smart enough to realize that.

"We're not threatened by them," he adds. "We're a San Diego-based firm with San Diego-based infrastructure costs. We're not paying high rent to support Bay Area operations. We're able to deliver services at a more attractive cost than they can."

Although Higgs Fletcher serves some tech companies, it focuses on traditional brick-and-mortar clients, including hospitals, banks, real estate developers and school districts. Among its clients are Starwood Development, First National Bank, health care network Scripps Health and the San Diego Unified School District.

While eschewing a Silicon Valley business model, Higgs Fletcher also resisted paying the eye-popping salaries that have come in vogue during the past couple of years.

"We haven't fallen into the trap of overpaying labor," Morrell says.

The salary for brand-new associates is \$70,000 to \$80,000 per year, compared to annual associate salaries upwards of \$120,000 at the large, tech-focused firms.

Morrell points out that Higgs Fletcher generally doesn't hire associates straight out of law school; rather, it recruits lateral attorneys with at least a year of experience.

Because the firm doesn't try to match its Silicon Valley competitors tit for tat, it also has avoided many of their problems.

"They have not had the high peaks, but they also have not had the low valleys that the Brobecks and Cooleys of the world have had," legal recruiter Sanford Lechtick says.

In the past six months, the technology slump coupled with skyrocketing salaries have forced firms such as Cooley and Gray Cary Ware & Freidenrich to lay off idle associates in San Diego and other parts of the state. Higgs Fletcher, meanwhile, has not laid off any attorneys during the past decade.

Higgs Fletcher may not have jumped on the high-tech bandwagon, but that hasn't stopped Morrell from taking a proactive approach in his business dealings.

Under Morrell's leadership, Higgs Fletcher has acquired in recent years several small to medium-sized firms: the 25-attorney litigation boutique McInnis Fitzgerald Rees & Sharkey; Shaw & O'Brien, a three-lawyer firm specializing in tax and business matters; and the three attorneys of intellectual property boutique Presseisen & Reidelbach.

"He makes things happen as opposed to reacting to things that happen," Higgs Fletcher Executive Director David Whitson says.

Outside the office, Morrell's family duties keep him busy. He and his wife, Liz Morrell, have two young sons, Ryan, 10, and Nicholas, 8.

Despite his hectic schedule, Morrell manages to stay physically active. Every day at noon, he runs by the bay or at a nearby park.

Morrell also has a good sense of humor and is famous for his handstand at the firm's annual holiday party, Whitson adds.

Chris Todd, a San Diego lawyer who serves with Morrell on the board of the San Diego County Bar Association, also has taken note of Morrell's acrobatics.

"He's low-key, thoughtful, has good business sense," Todd says, "and he does a phenomenal handstand."

**SAN DIEGO DAILY
TRANSCRIPT**

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APR 16 2002



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After long tenure, Wenaas to retire from JNI chairmanship

4154 Industry Watch

By Jennifer McEntee

Eric Wenaas will officially retire as chairman of the board for San Diego-based **JNI Corp.** (Nasdaq: JNIC) at the company's May 22 stockholders meeting, according to company officials.

John Stiska, a director with JNI since May 2000, will succeed Wenaas as chairman. He is chairman of secured bridge loan fund **Commercial Bridge Capital LLC**, and previously served as a senior executive at **Qualcomm Inc.** (Nasdaq: QCOM).

Wenaas has held the chairman's post since February 1997. He became CEO of **Jaycor Inc.** when the business unit was established in the early 1990s. He oversaw JNI's initial public offering in October 1999. And most recently, he managed the sale of Jaycor Inc. to **The Titan Corp.** (NYSE: TTN). The deal closed last month.

"Eric has been a steady hand through all the changes in the industry," JNI President and CEO

Neal Waddington said in a statement. "I will miss his experience and perspective on the business."

JNI's annual meeting will be held at 10 a.m. Wednesday, May 22, at the company's corporate headquarters in San Diego.

David Derminio has joined **dj Orthopedics Inc.** (NYSE: DJO) as senior vice president of U.S. sales.

In the newly created position, Derminio will be responsible for overseeing sales for the DonJoy, ProCare and Alaron Surgical product lines, company officials said.

Derminio has held marketing and sales positions at **American Hospital Supply Corp.**, **Carapace**, **Intermedics Orthopedics**, **Med-Tech West** and **OrthoLogic** (Nasdaq: OLG). He received a bachelor's degree in management from Arizona State University and has completed work towards an MBA in marketing and finance at the University of Portland.

San Diego-based **Wireless Knowledge** has appointed Jim

Edwards as vice president and general counsel.

Edwards will be responsible for all of the company's legal matters. This will include reviewing, writing and negotiating corporate contracts, and overseeing intellectual property issues involving licensing, patents and trademarks, according to company officials.

Prior to joining **Wireless Knowledge**, Edwards was vice president, general counsel and secretary with Carmel Valley-based **Vapotronics Inc.** Previously, Edwards held various posts at **General Atomics**, was a partner with the law firm of **Mirassou, Nyznyk & Edwards**, the general counsel and secretary for **Logicon Inc.** and an attorney for **Getty Oil Co.**

Edwards holds a bachelor's degree in psychology from Colorado State University, and received his juris doctorate from the University of San Diego School of Law.

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**GREENVILLE COMMUNITY
NEWS**

HOCKESSIN, DE
WEEKLY 10,500
APR 2 2002

**BRANDYWINE COMMUNITY
NEWS**

HOCKESSIN, DE
WEEKLY
APR 5 2002

**HOCKESSIN COMMUNITY
NEWS**

HOCKESSIN, DE
WEEKLY 15,000
APR 4 2002

**MILL CREEK COMMUNITY
NEWS**

HOCKESSIN, DE
WEEKLY
APR 3 2002

Law firm announce new partners, associates

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Gerard M. O'Rourke, Francis DiGiovanni, and Samuel D. Brickley II have been elected to partnership at the firm of Connolly Bove Lodge & Hutz. Mark E. Freeman, Ph.D., Thomas M. Rizzo, Ph.D., Gregory J. Weinig, and Gwendolyn M. Lacy have joined the firm as associates.

O'Rourke focuses his practice in intellectual property litigation and counseling. He is a member of the Delaware Bar and admitted to practice before the Supreme Court of Delaware and the U.S. District Court for Delaware and the United States Patent and Trademark Office. He received a law degree from Villanova University, cum laude, and a bachelor's degree in chemical engineering from John Hopkins University.

DiGiovanni focuses his practice in intellectual property and environmental litigation and counseling. He is a member of the bars of Delaware, the U.S. District Court for the District of Delaware, and the United States Court of Appeals Federal Circuit.

He received his law degree from the University of Pittsburgh and his bachelor of science in mechanical engineering from Bucknell University.

Brickley concentrates his practice in corporate litigation. A former deputy attorney general for Delaware, he is admitted to practice in Delaware, Pennsylvania and New Hampshire and is a member of the Delaware and American Bar Associations.

Brickley received his law degree and master of business administration degree from the University of San Diego, and a degree in economics and government from Cornell University. He is an adjunct instructor at the University of Delaware.

Freeman specializes in patent law. He has consulted in the life sciences industry and in marketing and strategic issues. He is registered to practice before the United States Patent and Trademark Office and the Supreme Court of New Jersey.

Freeman received a law degree from Seton Hall University, a doctorate in biology from the University of Virginia, a master's degree from the University of Central Arkansas, and a bachelor's degree in psychology from Centenary College of Louisiana. He is a member of the New Jersey and American Bar Associations and the American Intellectual Property Law Association.

Rizzo specializes in intellectual property with a focus on patents in biological and chemical arts. He previously worked as a molecular biologist. He is admitted to the bars of Missouri, the District of Columbia, the U.S. District Court, Western District of Missouri, the United States Court of Appeals for the Federal Circuit, and is registered to practice before the United States Patent and Trademark Office.

He received his law degree, cum laude, from Syracuse University, a doctorate in plant molecular biology from Cornell University, master's degree in microbiology from North Carolina State University, and a bachelor's degree in microbiology from Cornell University. He is also a member of the American Bar Association, the American Intellectual Property Law Association, Sigma Xi, The Scientific Research Society, and the American Association for the Advancement of Science.

Weinig practices in the areas of estate and trust planning, general litigation, and bankruptcy. He is admitted to practice before the Supreme Court of Delaware, the U.S. District Court for Delaware, and Pennsylvania's Supreme Court.

He received his law degree from Washington and Lee University and his bachelor's degree in history from Davidson College. He is pursuing a degree in taxation from Villanova University, which he expects to complete in May 2002.

Lacy practices in the firm's bankruptcy department. He is admitted to practice before the Supreme Court of Delaware and the Supreme Court of the Commonwealth of Pennsylvania.

She received her law degree from Widener University, a master of education degree from the University of California at Santa Cruz, and a bachelor's degree in English literature from the University of California at Santa Barbara. She taught as an international educator. 3

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Byron law student to 4154 compete in NYC

SAN DIEGO, Ca. - Amy Darby, a 1995 graduate of Byron High School, is currently attending the University of San Diego Law School in San Diego, California.

In April, she will be representing her Law School in the Prince National Moot Court Law Competition in New York.

Amy will graduate from Law School in May and will join the San Diego law firm of Gordon & Rees as an Associate Attorney in the Fall.



Other USD Related News

Students deserve a break from alcohol risks

By Tom Cosgrove
and Susan E. Mitchell

Fueled by ritual reports of spring break binges, the public has come to expect annual alcohol incidents as if waiting for the most extravagant Super Bowl ad.

In April, *The San Diego Union-Tribune* noted that local students trekked to Mexico for cheap alcohol and a carefree atmosphere, with "gallons of liquor temporarily washing away the realities of life."

But in a recently released landmark report, the National Institute on Alcohol Abuse and Alcoholism (NIAAA) confirmed that serious problems related to alcohol are a reality of life for college students — not just during break, but every day of the year.

Now that thousands of San Diego college students have returned to classes and exams, they also have returned to campuses where high-risk drinking remains the chief threat to their safety.

Effective solutions will require more than the efforts of students and campus administrators alone. That's why national and local experts have issued a call to "change the culture" of college drinking, proposing comprehensive policies to shape the environments in which students live and work.

Drinking by U.S. college students ages 18-24 leads to an estimated 1,400 student deaths, 500,000 injuries and 70,000 cases of sexual assault or date rape each year, according to the NIAAA. About 400,000 have had unprotected sex as a result of drinking, and more than one-fourth of those surveyed reported drinking and driving in the past month.

San Diego can claim its share of the prob-



John Overmyer

lem, with colleges spread throughout the county, a high concentration of alcohol outlets, party-oriented beach communities and a legal drinking age of 18 in nearby Mexico.

This year during spring break, local law enforcement agencies teamed up for a county-wide series of DUI checkpoints, compliance checks and minor decoy operations. While those efforts yielded many arrests and citations, they only hinted at the year-round impact of alcohol abuse on students, ranging from property damage and interrupted studies to physical assaults and traffic fatalities.

Prevention efforts targeting individual students are necessary, but not sufficient. Community-wide problems need the help of entire communities, including law enforcement agencies, property owners, public health officials, parents and alcohol licensees and promoters, working in a team effort with students and campus administrators.

We recently took part in a videotaped community forum on college drinking in which participants represented all the above sectors. It delved into issues like the transition from high school to college; campus environments, including fraternities and sororities; the proximity to Mexico; and the roles of parents, businesses and elected officials.

A wide range of viewpoints was presented during the program. But in the shift from talking about problems to identifying solutions, forum participants highlighted some promising ideas:

- Establish consistent, collaborative, zero-tolerance law-enforcement efforts on and around colleges.
- Restrict alcohol promoting and pricing practices that encourage underage and high-risk drinking.
- Require alcohol licensees and "social hosts" to follow responsible beverage service standards, and fully prosecute those who break the law.
- Ensure that students have access to campus housing that promotes safety and freedom from the adverse effects of alcohol abuse.

- Provide greater institutional resources for colleges to prevent, detect and treat alcohol-related problems.

These points are not only consistent with NIAAA's proposals; they also mirror the goals of the San Diego County College Presidents' Forum on Underage and Binge Drinking, which last year outlined policy priorities for local campuses. The Substance Abuse Summit will focus on higher-education issues when it convenes May 13-14 in San Diego. But beyond the work of conferences and professional forums, the reduction of college drinking problems must involve new and continued partnerships across communities and a shared commitment to change.

This spring, and into the future, campuses and communities should keep working together to ensure that alcohol abuse does not define college life to the extent that it does today.

USD suspends fraternity over hazing, alcohol

By Samuel Autman
STAFF WRITER

4154
The University of San Diego chapter of Phi Kappa Theta fraternity has been suspended indefinitely for hazing and alcohol-related violations.

In the last three years, the university placed the fraternity on probation twice. After repeat violations, the university and national fraternity agreed last weekend that it was time to take action against the group.

This is the fifth San Diego-area fraternity to be suspended or expelled for hazing or alcohol violations in the last two years.

It also highlights how universities are responding with increased enforcement.

Thomas Cosgrove, USD's dean of students, said Phi Kappa Theta was suspended because of an accumulation of violations over the years. Some of the episodes involved hazing, which he did not elaborate on, and providing alcohol to minors. Cosgrove said any hazing violates campus and national fraternity guidelines and is illegal in California.

He said the fraternity had agreed to clean up its act. The university ordered the fraternity to limit the number of pledges to 15 this year. And all new members needed at least a 3.0 grade point average. But the fraternity broke the agreement by admitting 24 people, Cosgrove said. Only six had a qualifying GPA.

"We describe ourselves as a value-based university," said Cosgrove. "We are serious about standards and holding people to them. We gave them the opportunity to make changes and they simply have not."

USD is a Catholic university with about 6,900 students enrolled in some 50 graduate and undergraduate programs.

Efforts to reach fraternity members were unsuccessful.

The group had 45 members. It will now be barred from campus and conducting any business in the name of the fraternity. It had no house on campus, nor do the remaining four fraternities and five sororities at USD.

Craig Melancon, executive director of Phi Kappa Theta's national office in Indianapolis, said that because the fraternity had agreed it would accept only 15 members with a certain GPA, the 18 pledges who did not meet the criteria would not have been covered by the fra-

ternity's insurance.

"As 18- to 22-year-olds, you think you are bulletproof," Melancon said. "You don't realize their parents' homeowners policies could have been in jeopardy and that it could affect their parents' lives."

The fraternity had been on USD's campus for nearly 40 years. Melancon said members were a vital part of student life at USD.

He said that while colleges and universities across the nation are coming down hard on Greeks, as fraternity members are called, Greeks are not the only ones who drink.

Citing statistics from the North American Interfraternity Conference, Greeks have a higher graduation rate, contribute millions of dollars to charities and give participants a healthy way to socialize while on campus, he said.

SAN DIEGO UNION-TRIBUNE

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In October, the San Diego State University chapter of Phi Kappa Theta was placed on probation after Melancon's office expelled 16 members for violating that school's alcohol and drug policy.

SDSU has expelled or suspended more fraternities than any other local university in recent years. Last month, SDSU expelled Kappa Sigma fraternity for providing alcohol to minors.

On the same day, SDSU announced that the national office of the Kappa Delta sorority suspended the SDSU chapter after an adult adviser found alcohol at a sorority-sponsored baseball game.

And in December 2000, SDSU expelled Beta Theta Pi and Tau Kappa Epsilon fraternities after underage pledges were hospitalized for alcohol poisoning.

Last April, Point Loma Nazarene University expelled Psi Omega Theta fraternity for hazing that left pledges needing medical attention.

Marian Novak, coordinator of SDSU's Community Collegiate Alcohol Prevention Partnership, which works with all local universities on alcohol prevention, said campuses nationwide are responding in the same way to drinking.

"Youth today are not drinking more," she said. "It's enforcement and awareness that has changed. The college campuses are becoming proactive and fighting against these issues."

Samuel Autman: (619) 542-4557;
samuel.autman@uniontrib.com

SAN DIEGO UNION-TRIBUNE

**SAN DIEGO, CA
TUESDAY 374,133
APR 23 2002**



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ON THE MOVE

Personnel moves in San Diego County

4154
Charles Nicholls has been appointed executive vice president of software products, platform and tools for HNC Software.

Philip J. Pape has been promoted to principal architect for McGraw/Baldwin Architects.

University of San Diego has appointed **Robert A. Pastoor** as vice president of student affairs and **Thomas Cosgrove** as dean of students.

Brian Smith joined Southwest Community Bank as vice president and commercial loan officer.

Liedle, Getty & Wilson has added **G. Michael Still** and **J.**

Daniel Lounsbury as attorneys.

Dan Simas has been hired as assistant project manager for Roel Construction Co.

Simon F. Waters has been hired as vice president of sales for Continuous Computing's European region.

Aaron Whitfield has been named leasing director for Rendina Cos. leasing staff in San Diego.

Send items for this column to:
Darlene M. Alilain, On the Move,
The San Diego Union-Tribune,
P.O. Box 120191, San Diego, CA
92112-0191, or e-mail them to
darlene.alilain@uniontrib.com.

rock ON CAMPUS

THE PRODUCERS

IF THERE'S A LIVE SHOW AT USD, IT'S ALL THEIRS

4154
By David L. Coddon
ASSOCIATE NIGHT&DAY EDITOR

Producing live shows — booking them, promoting them, setting up for them, managing them as they unfold — isn't kid stuff, even if those shows are happening on a college campus.

"We refer to our students as 'students' and not as 'kids,'" says Susan Payment, associate director of student activities at the University of San Diego in Alcalá Park. "We appreciate the fact that they are adults, and we work with them on an adult level."

Aside from signing contracts and some troubleshooting, Payment leaves the show biz at USD to the students, most of whom are volunteers — whether it's first approaching an artist's agent or

label, passing out fliers or working sound at a show at Aromas Coffeehouse, or outside University Center, or at the Jenny Craig Pavilion.

High achievers are the norm at the Catholic-affiliated university, which has an enrollment of about 7,000 (4,800 of them undergraduates). They come in handy on a campus that doesn't have the events budgets or the number of facilities that much-larger UCSD and San Diego State enjoy.

But there is an upside. Most live-music events are offered to USD students at low cost or free. And for those who get involved in staging shows, the challenges are all part of the college learning experience.

The student volunteers working sound at a recent Jason Mraz show at Aromas, or assembling a stage on the patio outside the Torero Grille for a Wednesday-night concert, embrace their work with no less vigor than might roadies at the Sports Arena. As in the real world, there are unexpected glitches and impatient fans, but also as in the real world, there's satisfaction and excitement when the music starts.

PART 3

This is the third in a series of behind-the-scenes looks at San Diego-area college students who help plan, produce and present live music on their campuses.



Jenn Uhen from Wheaton, Ill., may have regarded coming west to USD as "a four-year vacation," but the junior communications major has done anything but take it easy at Alcalá Park. As Associated Students director of concerts, she's the point person for most live shows on campus.

"I want to work in the music profession ... in tour management," says Uhen, 21, who has interned at Chicago's Aware Records and is also a regional marketing rep for a New Jersey-based concert group. "But this is great experience and an opportunity for me to really do something with the position."

Uhen's is the one paid position among the USD students who stage shows, and it is her job to oversee a concert committee of volunteers. Her stipend works out, she says, to about \$3.50 an hour. Those hours vary, from 10 to 15 in a week with no show on campus, to 40 the week of last fall's Jack Johnson concert at the Craig Pavilion.

"It was the longest weekend of my life," Uhen recalled, "but the most adrenaline-filled."

For events at Aromas, Uhen books the talent, markets them, assigns volunteers to do the sound and to set up and strike the stage area — "everything but sign the checks."

What she relishes most are the show days themselves:

"There's this feeling inside of me that, at that point in time, there's nowhere else I'd rather be. I get this feeling of home."



While working at a show by guitarist/songwriter John Mayer last summer, Candace Comer met Jenn Uhen, and also realized she "wanted to get involved in the music industry." Now the 20-year-old business major from Horizon Christian High School (originally from Texas) is on Uhen's concert committee and is in charge of coordinating the "Flavor of the Month" shows held outside Torero Grille.

"I am a perfectionist," says Comer, who finds the bands (made up of USD students), markets the events and takes charge at these once-a-month free concerts.

Not that she sees any of that as work.

"I love music," Comer says. "It's what really makes me happy. I can't perform, so I figure I can at least be involved in the business side of the music. It adds so much flavor to life, and I want a flavored life."



You'll find Ian Hughes on both sides of the microphone. Not only is the senior English major from Boston a USD sound man, but his own band, the Ian Hughes Experience, performs on campus.

Doing sound is a natural for the 22-year-old Hughes, who owns his own recording studio back in Boston. Hughes works events at Aromas and noontime concerts in front of University Center, and also produces CDs that compile performances from the open-mike shows held in the coffeehouse. He does the recording, the mastering, the pressing of the discs.

Hughes, whose musical inspirations range from the Stone Roses to Charlatans UK, and who studied last semester at Oxford, acknowledges that "It's harder to get 'artsy' here than at other schools." But he adds that being on the concert committee is worth it, to "meet people at USD who are interested in the same thing that I am." That's music.



"I've always had an interest in music," says Dan Barbey, a sophomore from Durango, Colo., who grew up in San Diego and is majoring in business at USD. "I wanted to get into event production."

The 22-year-old Barbey just joined the concert

committee this year but has already worked sound for the Glen Phillips gig at Aromas and worked loading detail at the Jack Johnson show at the JCP.

"I really enjoy it," says Barbey, who plans to pursue an MBA. "The satisfaction comes with seeing the end product of your work and hearing the appreciation of the audience."

Barbey's experience actually began with working the sound board at his church back in Durango, and sound is where his interest lies.

"I think that's where a lot of the concert experience begins," he says. "If it doesn't sound good, the concert can be a bad experience for the artist and the audience."

He says his friends consider his job high stress, "but then most of them want to be lawyers, and I think that's high stress."



The involvement of staging shows on campus "is an incredibly important aspect of student development," Susan Payment says. "It allows them to develop a host of leadership skills, including working as a member of a team, delegating, empowering others and teaching them new skills."

These enterprising USD students have something else in common, the source of their involvement and their enthusiasm: They love music.



Ian Hughes (left) is not only a volunteer with USD's concert crew, but also a musician himself. Here, he performs with Jim Ballew at a recent "Flavor of the Month" show outside the Torero Grille.



Matt Freeman tests a microphone before a concert inside USD's Aromas Coffeehouse.



Jenn Uhen, Associated Students director of concerts, supervises setup of audio equipment for a show at the University of San Diego's Aromas Coffeehouse.
John Gibbins / Union-Tribune photos

The musical menu of the University of San Diego

■ **THE JENNY CRAIG PAVILION:** Open only since December 2000, the largest facility on campus (it seats 5,000 as a full arena) is also the gem of USD's venues. The JCP (also known, affectionately, as the "Slim Gym") has hosted only two major concerts: the Wallflowers and Jack Johnson.

Upcoming: The Black-Eyed Peas on April 27.

■ **UNIVERSITY CENTER:** When set up with auditorium seating, this facility can accommodate 400 people. Though reggae artist Pato Banton performed here in 1990, as has the Latino comic trio Culture Clash, the UC is generally employed for smaller events, such as a comedy showcase last fall featuring Harland Williams ("Sorority Boys") and a make-your-own-music-video night.

The patio outside the downstairs Torero Grille, however, is the site of free "Flavor of the Month" concerts (held the third Wednesday night of each month), which include bands composed of USD students. In addition, noontime concerts are usually held Wednesdays outside the University Center.

Upcoming: "Flavor" show with Stealing Monday, C24C on Wednesday; a noontime show in front of the UC with 80z AllStars, next Thursday; a noontime show in front of the UC with Recycled Percussion, April 30.

■ **AROMAS COFFEE-HOUSE:** The coziest spot on campus to hear live music, Aromas (capacity 190) offers recurring evenings of free performances in an intimate setting. February's guest stars included Glen Phillips (Toad the Wet Sprocket). On March 20, local artist Jason Mraz packed 'em in. Open-mike shows are also held here twice a month.

■ **SHILEY THEATRE:** The campus's most venerable performance facility was renovated in '96 for the presidential debate held here. It seats 650 and has some balcony seating as well, but is generally not used for music (the Gilbert Castellanos Trio did play here as part of a USD 50th anniversary celebration show in July '99). A comedy event starring Jim Breuer from "Saturday Night Live" will be in Shiley April 20.

■ **WEST POINT FIELD:** This field, which made a cameo appearance in Cameron Crowe's "Almost Famous," is now the site of USD's Institute for Peace & Justice. When the field existed, live music was presented there as recently as 1999, when Goldfinger and Reel Big Fish played.

■ **TORERO STADIUM:** The home of USD sports and the San Diego Spirit soccer team recently received a face lift. Part of an agreement with the city was that no outdoor concerts would be held in the 7,035-seat stadium. Let's face it: The neighbors might not like it.

Footnote: An "Urban Funk Festival for Peace" was held April 6 on the Valley Practice Field, below the JCP, and featured DJs on two stages, skateboarding, stilt-walking and a vendor village, among other diversions.

— DAVID L. CODDON

SAN DIEGO UNION-TRIBUNE

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If ever there was a weekend in San Diego to be outside and on your feet, this is it.

Start with the **Adams Avenue Roots Festival**, the annual two-day hoedown in Normal Heights that brings together musicians from around the country and leaps genres from folk to blues to Americana. Not to mention all the food and arts and crafts available.

Then there's the **Linda Vista Multi-Cultural Fair and Parade**, happening on Saturday and featuring entertainment, food and more. The parade, which runs from Levant to Comstock along Linda Vista Road, begins at 11 a.m. Fair hours are 10 a.m. to 5 p.m.

Oh, and don't forget **Art-Walk 2002**, when for a weekend Little Italy becomes one huge art gallery. Hours are noon to 6 p.m. on both Saturday and Sunday. Even visitors who don't consider themselves to be art buffs can enjoy the food and music on hand.

Get out your walking shoes and go for it.

night & day

What do the **Black Eyed Peas** and diet maven

Jenny Craig have in common? Find out Saturday night at 8 p.m., when the hip-hop group performs at the University of San Diego's "Slim Gym," better known as the Jenny Craig Pavilion. It's the last big-splash concert of the school year at USD. Tickets are \$15 for the general public and are on sale at the Hahn University Center box office. Or call (619) 260-4600, Ext. 4901.

- David L. Coddon



Volunteers give lift to drinking drivers

'If it saves one person, that's awesome,' says participant

By David E. Graham
STAFF WRITER

4154

As he strolled the sidewalks of downtown San Diego's Gaslamp District, darting into bars to offer a ride to anyone who may have drunk too much, James Taylor talked about the need for such a service.

"I've had people drive me home," said Taylor, a University of San Diego undergraduate. "I figured it's my way of giving back."

He and other students occasionally volunteer for a relatively new program here that tries to reduce incidents of impaired and drunken driving.

Late Fridays and Saturdays, Designated Drivers Association sends two-person teams to provide rides — one person to drive the drinker's car, the other to follow

in a volunteer's car to transport the team back.

When they're not providing rides, the volunteers hand out business cards promoting the service with the number to call to request a ride.

"If it saves one person, that's awesome," Taylor said.

Rob Strohm, a USD junior who had worked as a volunteer before, was with Taylor on a recent Friday night.

"It was great," he said of his earlier experience.

D.J. Reed, 28, of San Diego and her friend volunteered for community service and to gain experience that can be put on applications and resumes.

"It could be fun. You're with a friend, and you're out while doing something good," Reed said.

About 20 volunteers showed up to help on a recent

SEE Rides, B6

SAN DIEGO UNION-TRIBUNE

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Kelsey Angus (center) and Courtney Grant (right) chatted with a club-goer in the Gaslamp District about Designated Drivers. The two are volunteers with the program.



Designated Drivers volunteers (from left) James Taylor, Courtney Grant and Kelsey Angus laughed with Gaslamp District visitors Brian Kay and David Field (right). The volunteers explained their program for people who have drunk too much to drive. *Fred Greaves*

► RIDES

CONTINUED FROM PAGE B1

2-person teams volunteer to help drinkers

night. That number is typical, said the program's executive director, Ray Gross.

While many college students volunteer for the program, Gross said participation is open to anyone 18 or older with a driver's license and a good driving record. Some fraternities and sororities recommend the program as a community service project.

The Designated Drivers teams primarily work downtown, in Pacific Beach and in

North County at bars and nightclubs that donate money to the nonprofit effort, Gross said. The service, however, is available to anyone who calls to request it, he said. On busy nights, priority is given to those at the participating bars.

Rides are free from 10 p.m. until about 2:30 a.m. Fridays and Saturdays by calling 866-373-SAFE. Those who utilize the service are encouraged to tip drivers.

"We're designated drivers after the fact," Gross said.

At downtown bars recently, people's response to the cards promoting the service varied. Some were suspicious of the offer, many were surprised, some were appreciative.

"It's good. It can save lives," said Angela Arana, who was walking down 5th Avenue.

Find out more

For more information or to receive a ride from the Designated Drivers Association, call 1-866-373-SAFE (7233). Rides are offered Friday and Saturday nights from 10 p.m. to 2:30 a.m. A list of the business establishments supporting the program, which is available free of charge to anyone who requests it, can be found at the Union-Tribune's signonsandiego.com Website.

The program was new to Curtis David of Rancho Bernardo, who said he works as a bartender in San Marcos. "Awesome," he said as he sat in a bar and a volunteer described the program. David asked for cards to give out where he works.

Gross started the program in July as a local affiliate of the national Designated Drivers Association. Each month, the volunteers have driven home about 100 cars, with their owners and passengers.

Most people use it once, and few have turned to it as a sort of free taxi service, he said.

In fact, Gross said, he believes the experience of being driven home changes the attitude of those receiving the rides. Many recognize how vulnerable they are and that they are unable to be responsible for themselves.

He hopes that understanding can have a lasting, sobering effect.

David Graham: (619) 542-4575; david.graham@uniontrib.com

FOOD MANAGEMENT

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COLLEGES

New U-SD eatery goes upscale

*Target market includes not
only students but Peace
Institute visitors* 4154

The University of San Diego recently unveiled La Paloma, an upscale cafe located in its Joan B. Kroc Institute for Peace & Justice, that is intended to provide not only the campus community but visitors to the Institute with an enhanced dining option. Previously, the area was only served with a snack/beverage cart.

La Paloma's menu includes made-to-order gourmet sandwiches as well as signature salads, soups, pastas and hot grilled entrees. An espresso bar serves not only upscale coffee and tea drinks but fine pastries. Student requests have added a new morning menu complete with a variety of breakfast sandwiches. Customers can enjoy their meals in either the dining room or on an outside patio that overlooks San Diego's Presidio Park and Mission Bay.

The 2,600-sq.ft. cafe's design and construction cost \$600,000.

RESTAURANTS & INSTITUTIONS

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PEACE OFFERINGS

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The newest eatery at the University of San Diego provides one of the best dining-with-a-view options in the city. The terrace of La Paloma, on the main floor of the school's Joan B. Kroc Institute for Peace and Justice, overlooks Presidio Park and Mission Bay. The cafe specializes in made-to-order sandwiches, signature roll-ups, pastas and hot grilled

entrées, as well as grab-and-go items such as tuna with mango salsa and Gouda, hummus, couscous and sushi. A beverage bar serves coffee, espresso, tea and specialty beverages. Manager Ruth Silva adds a delicious local spin to the menu: Fresh pasta is purchased daily in San Diego's Little Italy neighborhood; bagels and coffee beans come from alumni-run companies, and breakfast pastries are baked each morning at the university's main kitchen. "Every day we rotate in a new sandwich or soup," says Silva, creator of the daily entrées. With Italian-made light fixtures, teak furniture and picture windows, the décor suggests a European cafe. La Paloma serves about 1,000 meals a day.

Overview

4154

P.4

Innovation Keeps Food Service Fresh

One of the toughest jobs facing college and university foodservice departments is keeping current with the tastes and trends that appeal to the ever-changing student population. That job is made even harder by the fact that the students themselves have conflicting desires. For example, when students were asked what type of items they wanted for a new food court at Philadelphia's Temple University, the overwhelming response was healthy selections. But when asked for specifics, the students asked for things like cheeseburgers and cheesesteaks.

Despite that, dining services administrators for the most part do a phenomenal job of divining trends and tastes, providing value and finding new and innovative ways to keep students satisfied. To do so, they talk to their students, of course. But they also look beyond their own campuses to see what new concepts and trends are succeeding in the commercial foodservice market, network with their peers to see what is working at other schools, survey the competition and use every other resource available to help them build a successful operation. Indeed, this and every issue of *On-Campus Hospitality* is filled with case studies and success stories about what can happen when dining services professionals think progressively.

For example, dining services at the State University of New York at Stony Brook parleyed knowledge of an Asian drink sensation called bubble tea, input from administrators and students and an understanding of the demographics of their student body to create an innovative weekly beverage program. The program, one of the first to offer bubble tea on campus, appears to be a winner.

One factor in the success of bubble tea at Stony Brook is that the drink is not available anywhere else in the local community. At Indiana University-Purdue University Fort Wayne, on the other hand, food service was suffering because of stiff competition from name-brand competitors in the surrounding neighborhood. After surveying their students and bringing in an outside consultant, the school decided to abandon its traditional cafeteria and replace it with a small food court featuring those same national brands. The result was an immediate and significant increase in student satisfaction, and in business.

At Temple, dining services blended information from student surveys with demographic research supplied by Sodexo, the school's contracted foodservice provider, to develop a mix of signature and national brands to meet the divergent tastes of the school's student population and compete with commercial food vendors on and near campus. At West Virginia University, the school looked beyond some better-known brands to open a burger operation that featured an extreme sports theme that resonated with its students. At the University of San Diego, the school filled two needs with one operation when they opened up an eatery that provides food service at an under served area of the campus and an upscale dining spot for visitors to the school's Joan B. Kroc Institute for Peace and Justice.

The list goes on, but what is really significant about these developments is that they really are not at all unusual. While maintaining the status quo is usually the easiest, and safest thing to do, time after time, month after month and year after year, schools look past the expected to provide students with the best dining experience possible. The good news is that when such innovation is coupled with a good knowledge of the marketplace and with a solid grasp of what students expect and demand, the results can be, and usually are, spectacular. Look beyond the norm and the expected, and you too will see that there are many concepts that could be adapted to your program. You and your students will find it both satisfying and rewarding.



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INFORMATION SERVICES

Recycled water gains acceptance in state, but funding is short

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By Michael Gardner
COPLEY NEWS SERVICE

SACRAMENTO — In their own way, Marin County inmates, Sonoma Valley vintners, Los Angeles oil refiners and San Diego landscapers are making small, but significant, contributions to California's water supply.

All are part of an aggressive campaign to ease the state's chronic water shortages by recycling water — typically for bathroom, irrigation or industrial uses.

Reclamation efforts now save more than 400,000 acre-feet annually, enough for 800,000 homes, or to fill Castaic Lake and have some left over.

Californians appear to support reclamation, as long as they don't have to drink the

FRONT PAGE
"We can't create new water. We have to use what we've got better."

ASSEMBLYWOMAN JACKIE GOLDBERG, D-Los Angeles

water.

San Diegans, for example, shouted down a reviled "toilet-to-tap" proposal in 1999.

Reclaimed water today nurtures world-famous Sonoma County wine grapes, keeps University of San Diego lacrosse fields green and flushes toilets in Orange County high-rises.

"The last river for us to tap is waste water," said John Keys, who oversees federal

A SEE Water, A10

► WATER

CONTINUED FROM PAGE A1

\$575 million bond measure is proposed

water projects in California.

Despite the obvious value, state funding for new reclamation programs has run dry.

Sixteen projects from San Diego to San Jose are stalled, along with potential savings of 15,000 acre-feet annually. An acre-foot generally satisfies the annual needs of two households.

To inject more cash into reclamation, Assemblywoman Jackie Goldberg has introduced legislation to put a \$575 million bond measure on the ballot. It would raise \$150 million for the 16 projects that are ready to go, \$225 million for other recycling and ground-water efforts and \$200 million to encourage dual-plumbing systems.

"We can't create new water. We have to use what we've got better," said Goldberg, D-Los Angeles.

She conceded that her bond measure, AB 2365, will be a tough sell, given Gov. Gray Davis' insistence that the November ballot be reserved for school and housing bonds.

On the federal level, the U.S. Bureau of Reclamation, which delivers water to thousands of farms and households throughout the state, promotes recycling.

Keys, the bureau's commissioner, has asked Congress for \$17.7 million to help fund 16 projects in the West. He said that in California, 11 of those projects could save about 475,000 acre-feet — enough for nearly 1 million households.

In an arid state where a late-winter snowstorm can be the difference between drought and plenty, reclaimed water has eased some of the squeeze.

But even during recent relatively wet years, added demands driven by environmental needs and population growth have forced the state to curtail deliveries to farmers.

Supplies will be even tighter as California complies with or-

ders to substantially reduce its draw from the Colorado River.

"We're dealing with shortages almost everywhere," Keys said.

But even the most ardent promoters acknowledge that reclaimed water will not magically fill reservoirs and rivers any time soon.

"It will never be a major source of water because it's too expensive," said Steve Hall, executive director of the Association of California Water Agencies. "But it's an extremely effective add-on. It's stretching the resource as far as you can stretch it."

Recycled water can be twice

as expensive, officials say. However, supporters say there are conservation and environmental benefits to be considered.

"Fish can't whip out their checkbooks," said Bob Castle, water quality manager of the Marin County Water District.

Golf courses, parks and freeway flowers continue to use the most reclaimed water. But other ways are being found to recycle a valuable resource, particularly given a fickle Mother Nature.

ExxonMobil's refinery in Torrance saves 4,250 gallons every minute by using reclaimed water as a coolant.

"The real driving factor," said

ExxonMobil project manager Joe Papia, "is it's a reliable source of water, drought or no drought."

Marin County, hammered by rationing during dry spells, has pumped \$16 million into a system that includes 25 miles of underground pipes to deliver treated waste water to car washes, a convalescent home and the 330-bed jail. The return is a savings of, on average, 1 million gallons a day.

"We look at recycled water for everything and anything," Marin's Castle said.

In Sonoma County, vineyards irrigated with reclaimed water produce premium wines.

Agriculture there uses up to 15,000 acre-feet of recycled water every year. An additional 2,000 acre-feet goes to municipal uses, said Randy Poole, general manager of the Sonoma County Water Agency.

In Irvine, high-rise offices are required to use reclaimed water. Several have installed toilet-to-toilet systems easily identifiable by purple pipes. About 20 percent of the water used there has been reclaimed, conserving more than 19,000 acre-feet a year.

"It saves drinking water for drinking," said Norris Brandt, an Irvine Ranch Water District official.

State water officials are confident that reclaimed water use will continue to grow as the gap widens between available supplies and demand.

"The systems can be built more quickly than trying to find dam sites. In some cases, it also may be more economical," said Richard Mills, a state reclamation specialist.

And what does the future hold for the infamous toilet-to-tap idea? Will treated sewage water ever be palatable?

"Toilet-to-tap is going to come," predicted Goldberg. "It won't come in leaps. It will come in steps. First it's toilet-to-toilet."

San Diego Jewish Press
Friday, April 5

TUESDAY, APRIL 9

HOLOCAUST & COLLEGE STUDENTS —
The **Jewish Student Union** and **Campus Ministries** from University of San Diego gather from noon until six p.m. in the Rose Garden (back of Maher) to honor those who lost their lives in the Holocaust.

San Diego Union-Tribune
Friday, April 5

CALENDAR

YOM HASHOAH

• **USD ceremony:** Students, faculty and staff of the University of San Diego will observe Yom Hashoah, Holocaust Remembrance Day, with a six-hour ceremony Tuesday in which the names of those who perished, and some of their stories, will be shared. It will be held from noon to 6 p.m. in the Maher Rose Garden and is free and open to the public. Call: (619) 260-4735.

**SAN DIEGO DAILY
TRANSCRIPT**

SAN DIEGO, CA
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Old Town Market

Convent moved for Old Town Market

T.B. Penick & Sons General Construction has begun \$2.3 million of restorative and construction work on the Old Town Market located off San Diego Avenue in San Diego's Old Town State Park. Old Town Market will feature three buildings including the recently relocated historical landmark St. Joseph's convent building (above), Casa de Aguirre and Carriage House.

Penick relocated the 150-ton, wood-structure convent building from its original site on the corner of Twigs and San Diego Avenue 50 feet north to its current site. The three-story convent was constructed in downtown San Diego in 1908 and moved to Old Town in 1940. The building has served as a seminary, the first location for the University of San Diego, a home to several orders of nuns, military housing and as a dance hall facility for the U.S.O. during World War II. Owned by Old Town Trolley Tours, the 3,000-square-foot convent building is being completely restored from the foundation up. Upon completion, it will house two floors of retail and third story offices for the Old Town Trolley Co.

Casa de Aguirre was built in 1853 by Don Jose Aguirre and was used as a private residence until 1867 when the family deeded the home to the Catholic Church. It was then a Catholic rectory and an industrial school for Indians. The 2,500-square-foot building was demolished in 1914 and will be reconstructed, as will the adjoining 720-square-foot Carriage House. When completed in November, the buildings will feature retail and museum space.

SAN DIEGO UNION-TRIBUNE

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A pack of profits from tobacco

When taxes rise,
some can gain

By CHARLES STILE
TRENTON BUREAU

FRONT PAGE

More than two centuries ago, Ronald Bell Jr.'s ancestors of the Unkechaug Indian Nation scratched out a living mining Long Island's Great South Bay for clams and oysters and harvesting tobacco from the sandy soil.

Bell, a 35-year-old contractor, still depends on tobacco for survival.

Each day, he sits inside his cramped and cluttered office on the Poospatuck Reservation on eastern Long Island, the last, 52-acre toehold of Unkechaugs, packing cartons of tax-free cigarettes for shipment to customers from Switzerland to Mahwah.

In his parking lot stands a tall wooden Indian, giving his store, The Poospatuck Outpost, the look



BETH BALBIERZ/STAFF PHOTOGRAPHER

Ronald Bell Jr. sells tax-free cigarettes via the Internet from an Indian reservation in eastern Long Island. Higher taxes bring him business.

of an old-fashioned souvenir shop. But inside, Bell cultivates his customers with a far more modern tool: the World Wide Web.

Bell is among a new generation of Internet-savvy Native American merchants eager to profit from Governor McGreevey's proposal. See **CIGARETTES** Page A-5

SUNDAY RECORD

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SUNDAY 229,809
APR 14 2002

From Page A-1

proposal to boost New Jersey's cigarette tax by 50 cents a pack, by luring new customers angry over higher prices.

The 62 percent tax increase would raise an additional \$193 million to help close a projected gap in the budget for the 2003 fiscal year, which begins in July. If approved by the state Legislature, the increase would boost the levy to \$1.30 a pack, making New Jersey's cigarette tax the third highest in the nation, after those of New York and Washington State.

McGreevey is not the only governor hoping to raise cash from smokers. At least 22 other states staggering out of the recession also are considering raising the tax.

Slapping higher taxes on cigarettes has enjoyed broad public support in recent years, as a way to make smoking less attractive to teens by making it less affordable. Higher prices also encourage life-long smokers to quit.

The policy is so popular that anti-tax Republicans, such as former Gov. Christie Whitman, have championed similar increases. Whitman, with the support of a

Republican-controlled Legislature, enacted a 40-cent tax increase in 1998.

But for 50 online Native American merchants, who enjoy a tax-exempt "sovereign nation" status, the rush to levy higher cigarette taxes has turned states such as New Jersey into fertile new markets of untapped, cost-conscious smokers.

The sovereign nation status gives tribes a dramatic competitive advantage: Because they are recognized as semi-autonomous governments, they can purchase cigarettes directly from wholesalers without paying state excise or sales taxes.

That advantage is evident in the price.

Even with shipping charges, most online services dramatically low-ball the competition. A carton of Marlboros, which costs between \$39 and \$45 in New Jersey supermarkets and convenience stores, can be bought online at \$28 to \$32.

And if McGreevey's proposal prevails, the retail price of a carton will go up by \$5, further widening the competitive edge of Native American reservations.

"The Internet sales have the potential for significant tax evasion," said Kurt Ribisl, a University of North Carolina researcher who conducted the first study of online smoke shops last year. "If you are a smoker who smokes a pack a day, that's about three cartons of cigarettes a month. It adds up."

Forrester Research, a Boston-based firm that conducted a separate analysis on cigarette "e-tailers" last year, estimated that by 2005, 14 percent of all tobacco sales will occur online and that states will lose a combined \$1.4

billion in tax revenue. The report, conducted last year, said the biggest drain is reservations, which represent 67 percent of the largest online retailers.

Barbara, a graphic artist from Middlesex County, is a smoker who began buying cigarettes online two years ago after a reservation sent her a flier. She buys about three months' worth of cigarettes at a time, costing her about \$250, she said.

"When I write the big check, I don't focus on the amount of the check, I focus on how much I'm

saving," said Barbara, who did not want her last name used because she does not report the sales tax of her online purchases to the state. "When I'm writing a check for 10 cartons, I'm saving \$120. Every nickel counts. I don't have much in the way of vices, [other than] cigarettes and a little wine every now and then. I don't live high on the hog."

Native Americans are not the only ones creating Web sites.

Companies from tobacco-belt states with low excise taxes also have trolled the market for cost-conscious smokers. They range from companies such as "dirtcheapcig.com" from Paducah, Ky., ("The Last Refuge of the Persecuted Smoker," its slogan reads) to mom-and-pop operators equipped with a computer, a desk, and a fax machine.

Just how much is drained from the state tax revenues, however, is anybody's guess. Tracking of Internet sales is hampered by reservations, which do not report sales activity to the states. A 54-year-old federal law requiring vendors who sell across state lines to provide tax administrators the names of buyers is rarely enforced, industry analysts say.

Gary Kirschner, president of eSmokes.com, based in Kentucky, said fear that the Internet will overtake private store sales is overblown. Most smokers are generally poor or moderate-income people who are less likely to own a home computer.

"A lot of smokers are not sophisticated Internet users," said Kirschner, a former tobacco industry executive. "I think the predictions and extrapolations are a little bit unrealistic."

Most of his business, he said, comes from wealthier customers seeking to avoid the higher costs and the social stigma of buying cartons of cigarettes in public. He also ships cigarettes to office workers who pool together to make bulk purchases. He declined to divulge sales figures.

Sherry Emery, a senior research specialist at the University of Illinois-Chicago, who studies tobacco policy issues, said most smokers buy packs of cigarettes "on the fly." She doubts most buyers will suddenly change their buying habits because they own a home computer.

"Going to the Internet to buy cigarettes routinely would mean fundamentally changing some important consumer patterns," she said. "It would require some forethought, planning. Most smokers, in their minds, want to quit. Buying multiple cartons of cigarettes is closing the door to the possibility of quitting."

Emery cited a University of San Diego survey of California smokers after the state increased taxes by 50 cents in 1999. The study found that only 5.4 percent of those surveyed said they evaded the tax by purchasing cigarettes online, at military installations, or by traveling to neighboring states.

McGreevey administration officials are not alarmed, at this point, over the prospect of Internet sales.

They are more concerned with illegal smuggling of cigarettes, traditionally done by haulers who

transport cartons of cigarettes illegally into the state and sell them at a discount. In 1999, a year after the last cigarette tax increase went into effect in New Jersey, law enforcement authorities seized 15,465 cartons of illegal cigarettes worth \$504,051, the largest haul over the last five years.

"We are concerned with the loss of revenue from the Internet in general. Cigarette sales are a small piece of that," said Ralph Siegel, a spokesman for the state Treasury Department.

But anti-smoking advocates worry that minors will turn in larger numbers to the Internet as states continue to crack down on tobacco sales. Many sites do not require proof of age before making a purchase. And though some vendors pay couriers to require an adult signature at delivery, others do not, according to Ribisl's study.

Heightening concerns is a 2000 study on youth and tobacco conducted by the federal Centers for Disease Control and Prevention. The national study found that 12.6 percent of middle school students who identified themselves as smokers bought their cigarettes from Internet vendors.

Eric Lindblom, an attorney with the Campaign for Tobacco-Free Kids, a Washington, D.C., advocacy group, speculated that younger teens who have a tougher time passing themselves off as young adults are turning to the Internet to buy cigarettes. Lindblom fears that these teens, in turn, give or sell cigarettes to their friends.

"It is not a massive market, but we are talking about something that is just starting," he said.

Fear over teen sales prompted New York lawmakers to enact a law banning sales of cigarettes via the Internet, phone, or mail. But the law was overturned in federal court last year on the grounds that it was an unconstitutional intrusion upon interstate trade.

Rhode Island has had more success. A law requiring Internet retailers to obtain an adult's signature at the time of delivery remains on the books. And a proposal introduced last year in Congress also would require retailers to verify the age of the buyer before shipping the purchase.

Meanwhile Bell, at the Poospatuck Reservation, is preparing to expand sales in New Jersey through direct mail. Internet sales, he believes, are far more reliable in the long run than walk-up customers who flood the reservation in anger after cigarette taxes are increased.

Over time, many of those customers who visit the reservation resign themselves to the higher costs and buy packs at their local stores. But Internet buyers tend to become repeat customers.

For now, Bell said, his business is being helped, not hindered, by government.

"We're not the ones forcing a high tax," he said. "People are willing to smoke regardless, pretty much, you know. Some places it's \$7 a pack; that's \$70 a carton. And they are still smoking."

SAN DIEGO BUSINESS JOURNAL

SAN DIEGO, CA
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PEOPLE

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Construction and Design

McGraw/Baldwin Architects has promoted **Philip J. Pape** to principal architect.

High-Tech and Manufacturing

Continuous Computing Corp. has appointed **Simon F. Waters** as vice president of sales, European region.

Government and Nonprofit



Cosgrove



Pastoor

The University of San Diego has appointed **Thomas Cosgrove** as associate vice president of student affairs and **Robert A.**

Pastoor as vice president of student affairs. The Port of San Diego has promoted **Steven Shultz** to assistant director of communications. **Charles L. Lewis**, chief of staff to Deputy Mayor George Stevens, has been recognized as one of the Magnificent Men of the Millennium by the Sigma Gamma Rho Sorority, Inc.

Law

Klinedinst, Flichman & McKillop has added **Tracy E. Genovese** as accounting department manager.

Media and Marketing

Cheryl Helms has joined Heying and Associates as an intern.

Miscellaneous

Ace Parking Management, Inc. has hired **Richard G. Tomczik** as chief financial officer. **Spencer Insolita** has been named senior vice president of marketing for Factory 2-U Stores, Inc.

Speaker at USD Asks Whether Pregnant Students Get Enough Support

By Vincent Gragnani

ALCALA PARK — "Genuine equality never comes at the expense of anyone else. That includes men. That certainly includes our children," said Serrin Foster, president of Feminists for Life, in a speech to nearly 170 people at the University of San Diego April 16. "Abortion is a reflection that we have failed women, and women deserve better."

Foster brought to USD a pro-life movement that focuses less on words and more on action, one that provides women with the tools they need to give birth to healthy babies and continue their lives as successful mothers, even if they are still in school.

She began by addressing the history of the feminist movement, one that started more than 200

years ago. Feminist icons such as Elizabeth Cady Stanton, Lucretia Mott and Susan B. Anthony spoke out against abortion in their day, something Foster refers to as the dark secret of many women's studies departments.

"Feminism in its truest form always rejected the notion that we would use power to destroy one another," she said.

Not until 1966 did the National Organization for Women include abortion rights in its list of goals, Foster said. "The goals of the NOW-led movement with regard to abortion would have sickened and horrified the early American feminists."

When Foster was in college, she heard a lot about equality and the Equal Rights Amendment. "I bought it. I believed in it. And I

still believe in it today," she said.

But equating women's rights and abortion does not make any sense, she says. "These people are hypocrites. This is not about equality, it's about women being more important than everyone else."

Fast-forwarding to the present, Foster says students these days believe they do not have many options if they become pregnant: either they have an abortion or they drop out of school.

With nodding heads, the audience agreed with Foster when she said that it's common on college campuses to hear of women getting pregnant, but never do you see visibly pregnant women on a college campus.

That is why Foster and Feminists for Life work with people on both sides of the abortion debate

to challenge the status quo and come up with progressive solutions for pregnant women. "Screaming at each other doesn't help one person."

"We should attack this like any other problem," she said. "We can systematically eliminate the root causes that drive women to abortion."

Feminists for Life has helped organize Pregnancy Resource Forums on college campuses, where several campus groups and services come together and look at what services are available for students who have small children, such as day care, full maternity health coverage, health insurance for children, and undergraduate housing for children and families.

SEE FEMINIST, PAGE 18



VINCENT GRAGNANI

BRINGING LIFE TO CAMPUSES: *Serrin Foster, president of Feminists for Life, talks to USD students about the lack of viable options for students who become pregnant.*

► FEMINIST

CONTINUED FROM PAGE 3

Students hope to organize forum at USD

Foster said that when a woman learns she is pregnant, the response from others should not be, "I'm so sorry;" instead it should be, "Congratulations, how can I help?"

And that is what Feminists for Life is all about: helping women.

Foster's speech earned her a standing ovation, and students at USD feel it energized their movement.

"It's just so exciting to have a representative here from Feminists for Life," said Kate Martin, a USD Students for Life member. "This is the right type of information we need on campus. I think a Pregnancy Resource Forum is very needed here."

Students from other local college campuses, including UCSD, SDSU and Palomar College, also attended the event.

Martin and Michaelene Jenkins, executive director of San Diego's Life Resource Network, say they hope to see a Pregnancy Resource Forum take place at USD in about a year, and they will both be working to get the ball rolling.

Jenkins said student groups will work with Feminists for Life and the Life Resource Network to "bring all the players together and talk about what is and isn't available for pregnant and parenting students, and then brainstorm ways to fill in the gaps."

"This movement isn't about talk," she added. "It's about meeting the practical needs of women and children."

For more information on Feminists for Life, visit its Web site, www.FeministsForLife.org.

The Southern Cross

Athletics

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University SPORTS CAMPS of San Diego

Retail Trends

By Peggy Scott *4/15/02*



JCPenney celebrating 100 years of 'timeless values'

In 1902, James Cash Penney opened a small dry goods store in Kemmerer, Wyoming. Named "The Golden Rule" because Penney believed in treating others the way he would want to be treated, the shop carried such frontier necessities as blue jeans and other work clothes, shoes, fabrics and sewing needs. Today, shoppers count on the more than 1,000 stores in the JCPenney chain for affordable fashions and home accessories.

JCPenney even found a way to reach customers who couldn't visit the stores. The JCPenney Catalog, which debuted in 1963, is the largest catalog business in America, with a fulfillment network capable of processing more than 2 million orders per week during peak periods. Always tuned in to the latest trends, the company launched JCPenney.com in 1995.

James Cash Penney's attitude that "when you take good care of customers, profits take good care of themselves" has prevailed over the years, and JCPenney still prides itself on offering "timeless values" — quality merchandise at affordable prices in an atmosphere that makes customers feel good about buying from the company.

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Fun on the roster this summer at USD Sports Camps

The opportunity to "make new friends, build character, develop skills and have fun" awaits young athletes of all ages this summer at University of San Diego Sports Camps.

The camps include programs in basketball, tennis, soccer, softball, baseball, volleyball, swimming, water polo, triathlon and even "Sports-N-More," which is designed for younger campers ages 6-12. Participants can attend on a daycamp basis or sleep over in supervised USD dorms. The camp program also includes fun evening activities for stay-over campers.

For more information, visit <http://camps.sandiego.edu> or call (619) 260-4593.



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Toreros look like old selves

Timely win keeps USD alone in first

By Kevin Acee
STAFF WRITER

USD's baseball team had lost 10 of 15, six of 10 in conference. The Toreros dropped from the Top 25 and seemed on the verge of dropping off the face of the planet. A season previously termed magic was turning black.

And then the Toreros looked up and found out things weren't all that bad.

"We're in first place," Tom Caple said yesterday. "That's a confidence-builder right there. We haven't been playing the best baseball, and still we're in first place."

Perhaps showing the worst may be behind them, the Toreros beat Gonzaga 11-5 yesterday at Cunningham Stadium. It was a victory fashioned in the image of so many back when USD jumped to a 25-6 start and No. 15 national ranking.

The Toreros (31-16, 13-9 West Coast Conference) got timely hits, capitalized on their opponents' gaffes and let their pitchers battle.

The victory also kept USD a game ahead of Loyola Marymount in the WCC's West Division. Loyola, which had lost six of nine WCC games, beat Santa Clara 14-6 yesterday.

This is how rough the day was for Gonzaga (24-18, 11-8): David Bagley singled in a run in USD's five-run second inning; forced in a run that made it 7-4 when he was hit by a pitch in the sixth inning and forced in USD's final run when he walked in the seventh.

Caple, starting on Friday instead of Saturday for the first time this season, pitched 7 $\frac{1}{3}$ innings. His only real trouble was in the fifth, when Gonzaga cut a 6-0 lead to 6-4. Three of the runs came on Nate Gold's NCAA-leading 29th home run.

Toreros coach Rich Hill moved Caple up a day to help him be stronger in his starts. Caple is the regular center fielder and does not play that position timidly, and Hill felt Caple was losing a little steam late in the season.

The Toreros, who have wondered of late where the relief pitching would come from, were also bolstered by sophomore Matt Coy's 1 $\frac{2}{3}$ innings of relief.

Coy entered the game with two on and one out in the eighth. Gonzaga had just scored to make it 11-5, and Gold was on deck. Coy struck out Grant Zurmely, hit Gold to load the bases and then struck out cleanup hitter Jeff Culpepper.

"Both those guys were the best they've been in awhile," pitching coach Sean Kenny said of Caple and Coy.

Really, the same could be said of the entire team.

Aztecs rained out

San Diego State's scheduled home game against Utah was postponed last night because of wet grounds. The Mountain West Conference teams will play a doubleheader today at 2 p.m. at Tony Gwynn Stadium.

SAN DIEGO UNION-TRIBUNE

**SAN DIEGO, CA
SUNDAY 444,649
APR 28 2002**

USD beats Gonzaga

USD second baseman **Mike McCoy** went 2-for-2 with an RBI and three stolen bases to lead the Toreros to a 7-3 West Coast Conference win over Gonzaga at Cunningham Stadium.

Starting pitcher **Ricky Barrett**, who struck out six in eight innings, improved to 7-1 for USD (32-16, 14-9).

Toreros third baseman **David Bagley** singled in two runs, and **Joey Prast** and **Eric Verdugo** each had two hits.

Errol Simonitsch (3-4) suffered the loss for Gonzaga (23-20, 11-9). **Eric Rodland** had three hits and **Nate Gold** went 2-for-4 with two RBI for the Zags.

USD will go for the series sweep today at 1 p.m. at Cunningham Stadium.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA
THURSDAY 374,133
APR 25 2002



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Local Colleges

**Dirtbags bury Toreros
with two big innings**

9154
Long Beach State built a 20-1 lead in the first four innings and continued on to rout visiting USD 21-3 last night in nonconference baseball at Blair Field in Long Beach.

The Dirtbags (26-12), ranked 15th in the nation, scored 10 runs in the first inning and eight in the fourth as they rocked four USD pitchers for 24 hits. Every Long Beach starter had at least two hits.

It was the third time in school history that LBSU has scored in double digits in a single inning, following a 17-run outburst at Nevada in 1998 and a 13-run inning in 1979 against USD.

Nick Covarrubias went 3-for-4 with six RBI and four runs scored to lead Long Beach, while the Toreros (30-16) managed only four hits. Six Dirtbags pitchers combined to strike out 13 Toreros.

Mike Oseguerra (5-2) was tagged for all 10 runs in the first inning.

Women's golf

San Diego State posted its third straight sub-300 team total, shooting a final-round 299 at Sunriver (Ore.) Resort Meadows Golf Course. But it wasn't enough to hold off New Mexico, which shot a tournament-low 284 to overtake the Aztecs and claim the Mountain West Conference women's golf championship.

It's the third straight league title for New Mexico, which completed the 54-hole tournament with a final team score of 882, 11 strokes ahead of the second-place Aztecs.

Senior Heather Rollo shot a final-round 73 to pace SDSU and finished in a tie for second at 5-over 218, two strokes behind medalist Lynette Duran of Colorado State.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA
SUNDAY 444,649
APR 21 2002



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Local Baseball

Wennersten's home run lifts Toreros over Gaels

UNION-TRIBUNE

4154
First baseman Lucas Wennersten hit a two-run home run in the top of the sixth inning to give USD a 6-5 West Coast Conference victory over Saint Mary's yesterday at Louis Gus-to Field in Moraga.

Wennersten went 2-for-4, finishing with three RBI and a run scored. Tony Perez, David Bagley and Mike Oseguera each drove in a run for the Toreros (30-14, 12-8).

Bagley hit his 11th home run of the season, a solo shot in the third inning.

Sean Warlop (2-1) picked up

the win for USD, and Tom Caple earned his third save of the season.

Kevin Trochez (4-4) took the loss for the Gaels (16-18, 8-6).

Elsewhere

UCSD split a CCAA double-header with Cal State Stanislaus, dropping the first game 4-2 before taking the nightcap 8-5 at Warrior Field.

Scott Taylor (3-3) went the distance for the Warriors (16-30, 8-23) in the opener. Andy Hanau (3-4) took the loss for the Tritons (25-20-1, 20-15).

John Bologan went 4-for-4 with three RBI in the nightcap.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA
THURSDAY 374,133
APR 18 2002



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College Baseball

Aztecs stoking competitive fire

By Kevin Acee
STAFF WRITER

There was plenty of time to think during Tuesday's 13-1 shellacking at Cal State North-

ridge. So by the time it was finished, the San Diego State players had drawn from the past and were looking forward.

"I remember the last time we were going to play (Brigham Young), we lost on Tuesday and were pretty upset," junior second baseman Carlo Cota said, recalling a bitter 8-6 loss to USC on March 18. "Hopefully, that will give us a little edge, a little fire."

The Aztecs went to Provo, Utah, two days after that USC game and proceeded to win two games from BYU. The third game of the series was suspended after eight innings with SDSU ahead 11-10. That game will be completed tonight

at 6 at Tony Gwynn Stadium before the first game of the teams' regularly scheduled three-game series that matches the Mountain West Conference's top two teams.

After SDSU (29-13, 11-3) bats in the ninth, closer Royce Ring will try to finish off the Cougars (16-19, 9-5). If Ring is successful in earning his school-record-tying 12th save, the Aztecs will lead the Cougars by three games.

"That definitely got us started," Anthony Gwynn said of the feeling after the USC game. "We went up there and played how we can. I think we can do it again."

SDSU extra bases

■ Two days after head coach **Jim Dietz** returned to the team following almost two weeks of recovery from a procedure to remove a kidney stone, hitting coach **Tony Gwynn** passed a

stone of his own Sunday night. Gwynn was back with the team and said he was feeling fine Tuesday at Northridge.

■ The Aztecs signed prep standout **Wardell Starling** of Elkins High in Missouri City, Texas, to a letter of intent and will wait out the June major league draft to see if the pitcher/outfielder's stock keeps soaring. Starling is considered one of the nation's top 20 high school prospects.

USD extra bases

■ Why are the Toreros 4-7 over the past 2½ weeks? It starts at the top. The first two spots in the batting order have gone 23-for-99 in that span. That means that rarely has there been anyone on base for **David Bagley**, who is most often in the No. 3 spot and leads the team with a .474 batting average and nine home runs.

SAN DIEGO UNION-TRIBUNE

**SAN DIEGO, CA
WEDNESDAY 374,133
APR 17 2002**



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BEST BETS

Saturday: WUSA:
San Diego Spirit vs.
New York, USD,
1 p.m. (PAX)

Saturday: MLS:
New England
at Columbus,
1 p.m. (ESPN2)

Saturday: D3:
San Diego Gauchos vs.
Northern Nevada,
Eastlake High, 7 p.m.

Tuesday: UEFA
Champions League:
Real Madrid at Barcelona,
11:30 a.m. (ESPN2)

SAN DIEGO UNION-TRIBUNE

**SAN DIEGO, CA
WEDNESDAY 374,133
APR 17 2002**



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More baseball

Long Beach State (24-10) scored two runs in the top of the 10th inning and held on to beat USD 10-9 in nonconference play at Cunningham Stadium.

Jason Marian finished with a double, a home run and three RBI for the Toreros (29-13).

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA
SUNDAY 444,649
APR 14 2002



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Toreros rally, nip Broncos in 10th

9154
Shortstop Eric Verdugo hit a sacrifice fly with one out in the bottom of the 10th inning to give USD a 6-5 win over Santa Clara yesterday in West Coast Conference play at Cunningham Stadium.

The Toreros (29-11, 11-6) rallied from a 5-3 deficit to tie the game in the seventh inning before Verdugo hit a fly to center in the 10th that scored Mike McCoy with the winning run.

Reliever Tony Perez improved to 2-2 for USD but narrowly escaped a bases-loaded jam in the top of the 10th. An error and two walks had the bases full with two outs before Perez struck out Ryan Chiarelli to end the threat.

Starter Tom Caple finished 3-for-4 at the plate with two runs scored for USD. Vergudo had two hits and right fielder Joe Lima had two RBI.

Joey Gomes led the Broncos (15-21, 6-7) with four hits and two RBI. A.J. Ampí (1-4) took the loss for Santa Clara.

The Toreros will go for the three-game sweep today at 1 p.m. at Cunningham Stadium.



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College Baseball

Gwynn to Aztecs: Hit gaps, not fences

By Kevin Acee, STAFF WRITER

Scouts, media members, high school coaches and various other armchair managers often leave Tony Gwynn Stadium after another 3-2 or 2-1 game, grouching about a team that has so much talent and yet has to work so hard for runs.

They can't help wondering how good San Diego State might be if it had even one guy capable of hitting 12 or 14 homers.

Tony Gwynn has some thoughts on that.

In not so many words, the Aztecs hitting coach says: Stop thinking about it. Oh, he'd love to have some power hitters, but he doesn't.

His message really isn't for outsiders. It is for those who can actually do something about it.

"The home run is a luxury, and we don't have it," Gwynn said. "The players think we do, but we don't."

For the first time in most of their lives, SDSU's players are seeing themselves on tape. Gwynn is introducing them to the concept of proper mechanics and taking what the pitcher gives them.

He is battling many of them on swinging for the fence.

The fact is, the Aztecs, who have only played two series at altitude and have three to go in the Mountain West Conference, are well ahead of last season's 24-homer pace.

Chad Corona's seventh home run (tops on the team by five) on Sunday gave SDSU 17 homers on the season.

The astounding fact — unheard of, actually — is that the Aztecs have hit 16 triples this season.

That's fine with Gwynn.

"Home runs are going to happen if we do things right," he said. "If you concentrate on doing things right when you get up there, it takes care of itself."

SDSU extra bases

■ Coach **Jim Dietz**, recovering from kidney stone removal, accompanied the Aztecs to UC Riverside on Tuesday and watched their 8-0 victory from the press box. He is due to have more tests today. It is not known when he will return to coaching.

■ **Chris Hartshorn**, who after a strong freshman season struggled with control and confidence in 2001, has become a reliable reliever and may work himself into

a midweek start soon. Called on in increasingly difficult situations, he has stranded 11 of the last 12 runners he has inherited and retired 34 of 46 batters.

■ **Corona** (Santa Fe Christian) was the main contributor as the Aztecs turned their third triple play in six years Tuesday at UC Riverside. With runners at first and third, Corona caught a line drive off the bat of **Tony Festa**, stepped on third to double up **Adam Seuss** and threw to first to triple up **Jimmy Anderson**.

■ **Rielly Embrey** (Poway) is 15-for-38 (.395) while starting 12 of the last 14 games at designated hitter.

USD extra bases

■ In the 29 innings after being called out by their coach on the day of a horrific performance against USC, the Toreros bullpen stranded 11 of 14 inherited runners and posted a 1.55 ERA. But over the past four games, the group is 0-2 with a 3.46 ERA and has allowed 13 hits in 13 innings.

■ **Eric Verdugo** (Montgomery High) is 10-for-29 (.345) since taking over at shortstop after **Ben Quinto** broke his jaw March 23 at Portland.

SAN DIEGO UNION-TRIBUNE

**SAN DIEGO, CA
WEDNESDAY 374,133
APR 10 2002**



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Local Colleges

Northridge pitcher's bat the difference vs. USD

Cal State Northridge starting pitcher Tim Dorn went 2-for-2 with a home run, two RBI and two runs scored to lead the Matadors to a 5-3 victory over USD yesterday at Cunningham Stadium.

Dorn gave up five hits and two runs before being relieved by Leo Rosales (2-2), the eventual winner, in the fifth inning. Justin Fortugno earned his first save for CS Northridge (24-11).

Third baseman David Bagley (2-for-5) was the only Tore-ro to finish with multiple hits. Tom Caple, Lucas Wernersten and Eric Verdugo each had an RBI for USD (27-11).

David Dunn (0-1) took the loss for USD, giving up up two hits and three runs in the sixth inning before being relieved with one out.

Men's tennis

Despite an upset loss by SDSU's No. 3-ranked doubles team of Oliver Maiberger and

Ryan Redondo, the Aztecs (12-8) defeated host USD (9-10) 5-2. Ranked 19th in singles, Maiberger defeated Ricard Rizo 7-5, 6-4 at No. 1 singles, but he and Redondo were upset by Juan Cerda and Jason Pongsrikul 8-5 at No. 1 doubles.

Volleyball

Mike Wall had 18 kills as BYU held off UCSD in MPSF men's volleyball action at RIMAC Arena 30-27, 30-26, 23-30, 30-26.

After losing the first game, the Tritons nearly evened the match against the defending NCAA champions, leading 25-23. However, the Cougars (20-5, 14-5) rallied for a 30-26 victory and, after UCSD took game three, BYU closed out the match.

UCSD (6-22, 1-20) was led by Jim Waller with 17 kills and James Kimball with a match-high 10 blocks. Eric Perrine added 13 kills for UCSD.

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.a...x**High School Report****Torrey Pines
center commits
to Golden Bears****By Steve Brand, STAFF WRITER**

4154
Torrey Pines 6-foot-10 junior center Rod Benson has committed to Cal, Falcons coach John Olive said yesterday.

Benson, who also considered Oregon, averaged 13.4 points last season for the Falcons, who advanced to the Division I section semifinals.

Benson scored more than 20 six times with a high of 24 against Point Loma.

All-State basketball picks

Horizon's **Nate Carter** and La Jolla Country Day's **Candice Wiggins** earned first-team All-State honors in selections by *Cal-Hi Sports* magazine, leading five San Diego Section players in all-state honors.

USD-bound **Derek Stockalper** of Carlsbad High was named to the third team after leading the Lancers to the section Division I title.

The boys first team also included San Diego State-bound **Brandon Heath**, who led Westchester High of Los Angeles to the state Division I championship.

San Diego High sophomore **Charde Houston** and Georgia Tech-bound **Mallorie Winn** of Bishop's were named to the second team.

Notes

■ **Baseball:** La Costa Canyon infielder/outfielder **Casey Sterk** has accepted a scholarship from Wake Forest. Sterk, who is batting .407 with 14 RBI and 11 stolen bases, carries a 4.22 GPA. He also considered Santa Clara and UC Santa Barbara, but was interested in competing in the tough ACC, which has four teams ranked among the nation's top 10 teams in *Baseball America's* Top 25 poll. Wake Forest is ranked No. 5.

■ **Football:** Fallbrook High place-kicker/punter **Ryan Plackemeier** has accepted a scholarship from Wake Forest. Plackemeier was a *Union-Tribune* All-San Diego Section pick.

■ **Wrestling:** Brawley High's **David Villagran** placed seventh at 103 pounds in the 13th annual National High School Coaches Association Tournament that finished Sunday in Cleveland. Villagran, who placed eighth at 114 last month in the CIF state meet, was the only San Diego Section wrestler to place in the event for high school seniors.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA
MONDAY 374,133
APR 8 2002



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Waves easily wash over Toreros

By Kevin Acee
STAFF WRITER

MALIBU — Searching for an elusive jewel, USD's baseball team instead had a gem thrown at it.

Trying to achieve history, the Toreros instead went hitless for 6 $\frac{2}{3}$ innings.

A season so beautiful to this point got ugly for an inning, and that was enough to lose a series, wreck a dream and prompt a team to assess its approach.

Pepperdine's Kevin Beavers pitched a four-hitter yesterday as the Waves beat 25th-ranked USD 7-1, perpetuating a dominance over the Toreros that left the visitors brooding.

"It (stinks)," said catcher S.C. Assael. "I'll never get the chance and some other guys will never get the chance to come back out here and act like it's a regional — because that's how it is when you play these guys."

Actually, USD (27-10 overall, 9-6 WCC) could be back here at the end of next month for the West Coast Conference championship series. Should the two teams win their respective divisions, as expected,

the Waves (17-18, 7-3) earned the right to host the championship by winning two of three this weekend.

USD has not won a season series against Pepperdine since the inception of WCC baseball in 1985. In that time, USD is 23-74 against the Waves.

Because of what the Toreros had done this year, though, Waves catcher Brock Mills acknowledged Pepperdine had placed this weekend above others.

"We just knew they were the team we are going to face in the playoffs," Mills said.

But yesterday, one game after getting 20 hits in a 16-5 victory, USD did not get a hit until Joe Lima's two-out double in the seventh. The Toreros' only run came on Freddy Sandoval's homer in the eighth.

Mostly, USD was futile and behind in counts against Beavers (3-3).

"Games like that are going to happen ... (Beavers) had good stuff," Toreros coach Rich Hill said. "You've got to give him a lot of credit."

Still, Hill was disgusted with certain parts of the game.

Even without hits, USD had chances. But double plays stymied what might have been rallies in the fourth, fifth and seventh innings.

And in the sixth, things fell apart.

Consecutive walks gave the Toreros runners at first and second with one out before Tom Caple hit a sharp grounder to shortstop that could have started a double play. But Tony Perez was able to disrupt second baseman Simon Ferrer with a slide to which the Waves objected. A 10-minute discussion ensued, and Pepperdine coach Frank Cruz lodged a formal protest.

When play resumed, Caple was picked off first. That led to the ejection of USD first base coach Brian Green for arguing.

Cory Brightwell blooped a single to left to start Pepperdine's half of the sixth, and by the time it was over the Waves led 4-0.

The Toreros spoke afterward of looking forward. There is work to be done. Save for two games, they have been without much punch the past three weeks, during which they are 6-5.

"We're pretty much going to start over on our approach," Perez said. "We're going to start back to basics ... We're a better team than that."

More baseball

■ Right fielder Jake McLintock doubled three times, driving in three runs, to lead **San Diego State** to a 13-9 Mountain West Conference win over **New Mexico** at Tony Gwynn Stadium.

First baseman Jon Stephens went 3-for-5 with three RBI and third baseman Chad Corona homered and tripled for the Aztecs (26-12 overall, 8-3 MWC).

Joe Carque (4-1) earned the win for SDSU. Dan Reardon (0-2) took the loss for the Lobos (15-20, 5-7).

The Aztecs improved to 15-2 at home and have won 10 straight over the Lobos here since 2000.

■ **Sonoma State** (33-16, 12-12) scored five runs in the fourth inning and held on to beat UCSD (23-14-1, 18-10) 7-2 at Triton Baseball Field, earning a split of the four-game California Collegiate Athletic Association series.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA
SUNDAY 444,649
APR 7 2002



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Toreros go on hitting rampage

By Kevin Acee
STAFF WRITER

MALIBU — An intuitive move by the head coach and a teamwide feeling that enough was enough pushed the University of San Diego baseball team to the brink of history yesterday.

The Toreros scored early and late and did not stop enjoying their best offensive day of the season en route to a 16-5 West Coast Conference victory over Pepperdine.

"That's two weeks of frustration just coming out," coach Rich Hill said. "That was a great performance of flat swinging the bat."

The 20 hits were not the most USD has had in a game. The timeliness of many of those hits, though, made Hill smile and his team breathe easy.

Over the previous nine games, in which they were 5-4, their worst stretch of the season, the Toreros batted .218 with runners in scoring position. That's 164 points worse than their mark through the season's first 26 games. Before yesterday's game, Hill specifically lamented his team's lack

of production with two outs.

Hoping to spark something, Hill inserted relief pitcher Mike Oseguera into the lineup at designated hitter. And in the first inning, the junior out of La Costa Canyon High came to the plate with two outs and runners on second and third.

After watching two strikes, Oseguera smacked a double to the gap in right-center, scoring both runners in just his second at-bat of the season.

"Because of what happened yesterday and what happened previously," Hill said, "you could see the guys exhale."

The Toreros ended up scoring in every inning but the seventh and ninth. Oseguera drove in two more runs with a fourth-inning triple. Joe Lima, Joey Prast and Eric Verdugo each homered.

Seven of the Toreros' first 12 runs came with two outs. They finished 7-for-16 with runners in scoring position.

"I think we got a reality check (in Friday's 4-3 loss to Pepperdine)," said David Bagley, who was 5-for-6 yesterday and is batting .516. "We realized just how many guys we've been leaving on. Everyone came out and did the job."

And so, today USD will try to do something it has never done — win a season series from Pepperdine, albeit an abbreviated season series.

The two teams are in separate divisions this year and only play three times. However, in that Pepperdine (16-18, 6-3) leads the WCC's Coast Division and USD (27-9, 9-5) is atop the West, today's game could determine who hosts next month's championship series.

"It's Pepperdine," said junior Tony Perez, whose two-out single in the second scored two runs. "They're known as the class of the conference."

More baseball

■ Rory Shortell (6-2) pitched seven strong innings, giving up two runs on six hits, to lead SDSU (24-12, 7-3 MWC) to a 7-2 win over visiting New Mexico (15-19, 5-6). Anthony Gwynn had three hits.

■ Host UCSD (23-13-1, 18-9 CCCA) swept a doubleheader against Sonoma State (32-16, 11-12), winning 6-1 and 15-1. In the first game, Andy Hanau (3-2) struck out 10 in 7²/₃ innings. In the nightcap, Alexander Cremidan (6-1) won, while Jeff Riddle went 4-for-4 with five RBI.

■ PLNU (23-12-1, 11-7 GSAC) split a doubleheader with Concor dia (18-19, 8-10), taking the first game 9-6 before losing 3-2 in Irvine.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA
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Toreros catcher S.C. Assael takes second base when a pickoff throw by catcher Brian Manfred sails over first base, resulting in Aztecs shortstop Taber Lee applying the tag too late. *Jim Baird / Union-Tribune*

Toreros take a tight one as SDSU misses coaches

By Kevin Acee
STAFF WRITER

4154

The battle for supremacy among the city's two Division I baseball teams ended with one team out of players and the other without both the coach it started without and the one it started with.

Toreros 4

Aztecs 3 (10)

A game full of suspense throughout played out in front of 1,232 at Tony Gwynn Stadium but with San Diego State head coach Jim Dietz at home following surgery to remove a kidney stone.

Pitching coach Rusty Filter, who filled in for Dietz, was ejected for arguing the play at the plate that ultimately decided the game, giving 25th-ranked

USD a 4-3 victory in 10 innings.

The winning run scored with two outs, on the second SDSU error of the inning.

With one out, Luis Diaz-Miron hit a ball through the hole on the right side. Aztecs second baseman Carlo Cota made a sliding play to chase down the ball but booted it into foul territory with his knee as Diaz-Miron charged to second base. Zach Dobek, the Toreros' final position player, pinch-ran for Diaz-Miron. When SDSU shortstop Taber Lee fielder Joey Prast's two-out grounder and threw it high to first base, Dobek never stopped running and just beat Jon Stephens' throw home and the tag of Brian Manfred.

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SEE **Toreros, D9**

► TOREROS

CONTINUED FROM PAGE D1

SDSU coaches echo misery for Aztecs

The Toreros (26-8) went on to load the bases, chasing SDSU closer Royce Ring from the game. But they left them loaded for the third time in four innings.

Ricky Barrett, USD's Friday starter, pitched a perfect bottom of the 10th for the save.

It was an end befitting the game, which saw SDSU perhaps save a run in the ninth when shortstop Lee and center fielder Anthony Gwynn sold the hidden ball trick and baited pinch-runner Aaron Wilson into trying to take third.

And Dietz missed it all.

The coach flew home from Utah on Sunday and had surgery that night to remove a kidney stone.

Dietz was taken by ambulance to the hospital Sunday afternoon. The bicarbonated soda he had been drinking for two days to try to break up the kidney stone caused severe discomfort in his chest, and he thought he

might be having a heart attack.

He was discharged from the hospital Monday and was resting yesterday.

"He said he could be here tonight," Dietz's wife, Carol, said before the game. "He's just tired."

Doctors think Dietz's right kidney is no longer functional because the kidney stone had been there so long. But Carol Dietz said her husband should require no further treatment.

"He'll be ready for this weekend," she said.

In Dietz's absence, pitching coach Filter was in charge. And he was busy.

The Toreros took a 2-0 lead in the second inning, Eric Verdugo's two-out double off the left-field wall scoring S.C. Assael and Tom Caple. That lead was halved in the bottom of the second when John Stephens led off with a single, went to second on Jake McLintock's single and scored on a single by Garrett Cook.

The Aztecs went up 3-2 in the fourth when Stephens again led off with a single, and McLintock followed this time with a double. Carlo Cota walked to load the bases, and Cook singled for his second RBI. David Dunn came on in relief of Tony Perez and struck out the first two batters he faced before

hitting Lee to force in a run.

Meanwhile, Joe Carque, who came in with a man on first in the third inning, was setting down the first six and 10 of the first 11 batters he faced.

But just when it looked as if Carque might do enough to assure himself a start next week, USD pieced together a rally that chased Carque from the game and started the procession of arms from the SDSU bullpen to the mound.

Caple led off with an infield single but was thrown out attempting to steal. Singles by Joey Prast and Verdugo, sandwiched around an out, brought Mike McCoy to the plate with runners on first and second.

McCoy sent the first pitch he saw into center field, and Prast beat the throw home to tie the score. Daryl Harang was called on to relieve Carque and walked Jason Marian to load the bases.

That brought up David Bagley, who started the night batting .500 with eight home runs over the past 16 games. And that prompted Filter to go to his third pitcher of the inning. In came Erik Fiedler, and he got out of the inning by getting Bagley to ground back to the mound.



USD center fielder Tom Caple just misses catching up to double for SDSU's Jake McLintock, who failed to score in the sixth. *Jim Baird / Union-Tribune*

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA
TUESDAY 374,133
APR 2 2002



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INFORMATION SERVICES

City rivals eye added value in future series

4154
By Kevin Acee, STAFF WRITER

By 2004, this series might become what it should be. For now, what it is will have to suffice.

What it is, is pretty good.

San Diego State against the University of San Diego tonight at Tony Gwynn Stadium offers two baseball teams with winning records, both on the rise nationally, both exciting in their own ways, always curious how the other is faring and both drawing more fans than ever.

But what Tony Gwynn and Rich Hill have in mind is a crosstown rivalry that really says something.

At this point, the two coaches aren't sure when it will happen. And they have slightly different images of what form it might take.

What they do know is that SDSU and USD meeting on a weekend — with their best pitchers and best players facing off — would be the truest city championship.

"That's what we want to do," Gwynn said. "A three-game series, heads up, us against them."

Gwynn, who will succeed Jim Dietz as Aztecs head coach this summer, said last week that he expects a large crowd tonight. But he wants to see a series that is televised on Channel 4 San Diego, with the finale played after a Padres game at the new downtown stadium. He is looking for sponsors and perhaps two other big-name teams to bring in for a tournament format.

Dietz has preferred playing USD during the week because it cuts down on missed classes because of travel.

The Aztecs enter tonight's game 22-11; USD is 25-8 and ranked 25th nationally.

But weekday games are to get at-bats for hitters and innings for pitchers who didn't throw on the weekend. Three-game series are where teams can claim a true victory and feel they beat their opponent's best.

"How awesome would that be if we get two nationally ranked teams?" Hill said. "I mean, it's only a matter of time before Tony gets them there. And they might get there this year."

USD at San Diego State

When: 6 tonight

Series: SDSU leads the all-time series

52-34-2. Since 1984,

when USD moved to

Division I, SDSU leads

22-14-1; since 1993,

SDSU leads 10-9-1.

USD has won five of the last seven meetings.

SAN DIEGO UNION-TRIBUNE

**SAN DIEGO, CA
SATURDAY 374,133
APR 6 2002**

USD loses in ninth

Designated hitter Ty Harper singled in Cory Brightwell in the bottom of the ninth to lift Pepperdine (16-17, 6-2) to a 4-3 victory over USD (26-9, 8-5) in West Coast Conference play in Malibu.

USD had tied the game in the top of the ninth when Tom Caple's fielder's choice brought in Mike McCoy. Matt Coy (0-1) got the loss. DH David Bagley went 3-for-5 with two RBI for USD.

ON A HOT STREAK

San Marcos shortstop ties CIF hit mark

By Denise T. Ward
COMMUNITY SPORTS WRITER

SAN MARCOS — If San Marcos High shortstop Derek Simper could trade his batting statistics for wins, he would.

The Knights leadoff hitter leads the team in hits, home runs, RBI and batting average. In order to improve San Marcos' 9-10 record, Simper would even swap his record-tying streak of 11 consecutive hits.

Why? San Marcos baseball coach Eric Morton said that's just the type of person Simper is.

"He's not one of those rah-rah type of players," Morton said. "You need a few (guys who yell), but you also need a lot of guys leading by example. Derek is one of those guys. Other guys follow him by the way he approaches the game and his work ethic."

Simper, a 6-foot, 170-pound senior, has 36 hits, eight home runs, 23 RBI, nine doubles and a .474 batting average (tied for the team lead).

"He's been unbelievable the last three weeks," Morton said. "I've never seen anyone as hot as he is right now. He's been the complete package."

In a game last Friday against Fallbrook, Simper tied the CIF-San Diego Section record for consecutive hits, matching a feat last accomplished in 1995. He had back-to-back 5-for-5 games the previous week but because of an open date in San Marcos' schedule had to wait six days for a shot at the record.

Simper said he was excited about the opportunity for the record and the hype that seemingly took over for a while, but he just wanted to move on.

"I tried not to think about everybody talking about it, because we haven't been winning lately," Simper said. "The main thing on my mind is making the playoffs."

When Simper got the hit to tie the record, the game was stopped to recognize his accomplishment. The crowd cheered and Fallbrook players

VARSITY FRIDAY: Varsity sports played by the North County's high schools are featured on the Community Sports page each Friday during the school year.

came out to congratulate him. Simper said that moment seemed to play in slow motion.

"It was real quiet for me," he said. "It was like I could see it, but I couldn't hear it."

The streak ended with a groundout to shortstop against the Warriors.

In true Simper style, however, he said the record was overshadowed by the Knights' 10-5 loss.

San Marcos started the season ranked No. 9 but is 2-3 in the Avocado League after losses to El Camino, La Costa and Fallbrook. To have a shot at the

"He's been unbelievable the last three weeks."

ERIC MORTON, San Marcos
High baseball coach

playoffs, Simper said, the Knights must win their remaining league games, starting with today's 3:30 p.m. contest at home against Carls-

bad.

Simper says his team has a lot to prove.

"Last year, we surprised everybody because we were mostly first-year varsity players," he said. "We were ranked last last season."

When Simper's not suited up for the Knights, he plays in a summer league. He was invited to join the team last year and said he liked the level of competition the team faced.

He's also played with the North County Hawks club team. Simper said he's played baseball as far back as he can remember — ever since he could pick up a bat.

Simper hasn't committed to a college but is waiting to hear from USD. He said playing for the Toreros would allow him to stay close to home and at the same time fulfill a longtime objective.

"I've always wanted to play college baseball at the Division I level," he said. "It doesn't matter where. I just really want to get to that level."

Denise T. Ward can be reached at (619) 718-5304 or at denise.ward@uniontrib.com

SAN DIEGO UNION-TRIBUNE

**SAN DIEGO, CA
THURSDAY 374,133
APR 11 2002**



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Softball 4154

USD pinned a 1-0 shutout on host UCSD in the first game, but the Tritons responded with an 8-0 romp in the nightcap of the double-header between crosstown rivals.

USD's Anna Russell (5-12) pitched a shutout, scattering five singles and a double in the first game. Lora McBay's solo home run in the fourth inning was the game's only score. Leea Harlan (9-11) struck out four, walked none and allowed seven hits while suffering the loss for UCSD.

UCSD (23-18), ranked ninth nationally in Division II, erupted for six runs in the third inning to break a scoreless tie in the second game. Kristina Anderson slugged a three-run triple.

In her first collegiate start, UCSD's Keri Hanley (1-0) pitched a one-hit shutout as the game was shortened to five innings via the eight-run rule. Nicky Geis collected the lone hit for the Toreros (9-31).

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA
MONDAY 374,133
APR 8 2002



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Local Colleges

Toreros swept by UC Riverside in softball

4154
UC Riverside defeated USD 4-2 and 8-0 in a nonconference softball double-header yesterday at USD.

In the first game, Karly Burneleit singled in Allison Solis and Brandy Chavez in the top of the seventh inning to give the Highlanders (10-31) the win. Burneleit went 2-for-3 with three RBI. Jessica Gandara (2-5) got the win.

Lora McBay and Jennifer Delpit each had an RBI for the Toreros (8-30). Anna Russell (4-12) picked up the loss.

In the second game, Jenell Jackson (5-11) limited the Toreros to two hits, and Solis and Burneleit collected two hits each. Andrea Cunningham went 1-

for-3 with three RBI for UCR.

USD's Jennifer Delpit (0-6) took the loss. Nicky Geis and Liz Wells had the Toreros' hits, both singles.

USD plays at UCSD on Wednesday at 3, then returns home Saturday to host Chapman at noon.

Men's golf

USD finished fifth among 24 teams with a score of 66-over-par 626 (309-317) in cold, windy conditions at the Yale Spring Opener in New Haven, Conn.

Yale won the two-day event with a score of 604, six strokes ahead of second-place Hartford.

Berry Henson led the Toreros individually, tying for 10th at 13-over 153 (75-78). USD's Mark Hepler (79-78) and Andrew Brisbois (77-80) finished at 157, tied for 22nd. Brian Teaff tied for 32nd at 159 (78-81).

Alex Fulton of Yale was the individual winner at 9-over 149 (73-76). Miroslau Holub of Hartford was second at 150 (76-74).

Women's tennis

No. 22-ranked San Diego State completed an undefeated Mountain West Conference season with a 5-2 victory over Air Force in Colorado Springs.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA
SUNDAY 444,649
APR 14 2002



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Softball 9154

■ Kristy Clarke and Jennifer Delpit led **USD** (11-31) to a doubleheader sweep of **Chapman University** (16-20) by scores of 9-1 and 6-4 at the USD Softball Complex.

Clarke went 7-for-8 on the day with four runs and three RBI, while Delpit was 4-for-7 with three doubles and six RBI.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA
TUESDAY 374,133
APR 23 2002



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Bulletin Board

4154
■ **USD SOFTBALL EVENT:** The USD softball team has designated Sunday as Bobby Sox Day and is inviting all youth softball teams in San Diego County to attend the Toreros' game against Santa Clara, beginning at noon. During the game, fans will be able to participate in on-field promotions and teams may have the opportunity to meet the USD players and get autographs. There is no cost for admission, but if teams need to reserve a group of seats together, they are asked to call USD at (619) 260-5916 in advance.

■ **HONORS:** The University of Virginia's **Kristen Dennis** (La Costa Canyon High) has been chosen the Atlantic Coast Conference Softball Player of the Week, the fourth time Dennis has won the award. Dennis, a second-team All-American last season, helped the Cavaliers to a 5-0 record last week, winning three times as a pitcher and batting .400. Dennis has 13 home runs this season, breaking her school record of 11, set last season. Dennis also broke her record of 49 RBI from 2001. She has 53 this season.

■ **GOLF TOURNAMENT:** The 2nd Annual Honorable Judge Earl B. Gilliam Luncheon and Golf Tournament will be May 10th at the Barona Golf Creek Resort in Lakeside. Golf begins at 8 a.m. followed by the luncheon at 1 p.m. For information call Len Arevalo at (619) 583-6657.

Area Colleges

BILL DICKENS

USD excited about play of tennis team

It was one of those Disney-type endings where the hero is hoisted upon his teammates' shoulders and carried out of the stadium amid the thunderous roar of a capacity crowd.

Football, basketball and soccer, sure. But tennis?

"I couldn't believe it when the whole team rushed onto the court and picked me up," USD sophomore Jason Pongsrikul recalled. "I was so tired that I hardly knew what they were doing."

Pongsrikul was drenched from the drama of a miraculous come-from-behind 7-5 victory over his Purdue opponent that inspired his teammates to tote him from the court.

Four times Pongsrikul was on the brink of defeat. Four times the Point Loma High alum denied his opponent match point.

"That was my greatest moment in tennis, because it wasn't just about me," Pongsrikul said. "I realized I wasn't just playing for myself. I was playing for those 10 (teammates) over there screaming for me to pull it out."

Pongsrikul's frenzied finish gave the Toreros a 4-3 nod over the visiting Boilermakers.

"Stuff like that just doesn't happen very often in college tennis," USD coach Tom Hagedorn said. "Jason was one hit of the ball away from losing four times. He has so many weapons. He has a huge forehand and a big serve."

Pongsrikul and 6-foot-5 senior Juan Cerda pulled off a major doubles upset last week with a stunning 8-5 win over San Diego State's Oliver Maiberger and Ryan Redondo, who are ranked third nationally.

"We knew we had to win or we weren't going to the NCAA (individual) tournament," said Pongsrikul, who turned down offers from Duke, Oregon, Baylor, Penn State and Washington to attend USD.

Cerda, a native of Chile and the other half of the nation's 35th-ranked doubles unit, agreed.

"To beat a team of this caliber is huge," Cerda said. "We lost to them in Atlanta in the fall, so we are so excited to win this one. This should be our pass to the



Jason Pongsrikul, who made a spirited comeback against Purdue, is just one of the reasons the University of San Diego is pumped up over the play of its tennis team.

NCAAs."

While USD is admittedly not yet on par with SDSU — the Aztecs have won seven straight head-to-head meetings — Hagedorn believes his Toreros aren't that far behind. Case in point is USD has won six matches by a 4-3 count, which is quite a turnaround from last season.

"We lost seven matches by that score last year and finished 13-9 with a No. 57 national ranking," said Hagedorn, who is in his sixth season at USD. "We've improved every year I've been here. Our goal is to make it to the national (team) tournament, and we believe we can do that if we stay ranked among the top 45 teams."

USD is holding down the No. 44 spot with one match and the West Coast Conference Tournament, which starts on Friday, remaining.

Meanwhile, at SDSU...

Despite the surprising loss to USD's upstart doubles duo, Maiberger remains focused on the big picture. Clearly the most talented college player in town, the 6-foot-1 junior from Lorsch, Germany, boasts an overall record of 25-8 at No. 1 singles and a No. 19 national ranking.

"Physically, I'm only about 70 to 80 percent," said Maiberger, who recently missed five matches because of a viral infection. "My legs are weak, so I've tried to make up for that with mental energy. I've won my last two singles matches because

I've been mentally stronger, not physically better."

When healthy, Maiberger has proved he can stroke with the nation's elite. He teamed with Redondo to claim SDSU's first college grand-slam doubles title at the Omni Hotels Intercollegiate Indoor Championships in Farmer's Branch, Texas, earlier this season.

"My goal is to reach the top 10," said Maiberger, who was the No. 11-ranked singles player when the season began. "I want to get seeded in the NCAA tournament. But, really, the rankings are not all that important to me. Those are based on what other people think. My concern is how I feel."

Coming off a 20-3 record in dual-match competition as a sophomore, Maiberger has vast potential.

"Oliver is one of the smartest players I've ever coached," SDSU coach John Nelson said. "He's a great counterpuncher, but also has a strong first serve and a tremendous shot selection. He's always looking for ways to win."

So are the Aztecs (15-8), who are ranked No. 32 in the nation.

"We made it to the Sweet 16 three years ago," Nelson said, "but this team has a chance to be better than that."

Bill Dickens can be reached at (619) 293-2032 or bill.dickens@uniontrib.com

SAN DIEGO UNION-TRIBUNE

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APR 7 2002



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Local Colleges

Aztecs lose in Vegas track meet

SDSU sprinter Tonette Dyer set an NCAA provisional qualifying time in the 200 meters and Aztecs field star Candace Hill took first place in the discus and hammer throws in double-dual competition yesterday at the UNLV Desert Classic in Las Vegas.

SDSU lost to both UNLV (77-62) and Southern Utah (82-71). Dyer ran the 200 in a second-place time of 23.41. SDSU's Shayla Balentine earned her sixth NCAA provisional mark of the year in the pole vault, winning the event with a clearance of 12-8.

More track

Cal State L.A.'s Maegan Bergeson (RBV) posted the eighth-best javelin throw in NCAA Division II this year with a toss of 140-6 to win the UC Riverside Track Classic. Bergeson's previous season best was 137-7. Both throws are provisional qualifiers for the NCAA Championships.

Cal State L.A. All-America shot-putter Taras Rohde (Fallbrook) won with a throw of 56-7½. Rohde, who already owns the top men's shot-put

mark in the country, has automatically qualified for the NCAA Championships.

Softball

PLNU swept a Golden State Athletic Conference double-header from host Cal Baptist 1-0 and 9-2. Cheryl Bolding, the NAIA's Player of the Year in 2001, singled to lead off the fourth and scored the only run on an error as PLNU pitcher Leslie Ludlow (17-3) held the Lancers to five hits and fanned nine in the first game. Aimee Strahm tripled for PLNU.

In the nightcap, the Crusaders (37-4, 15-3) peppered two Cal Baptist (31-18, 4-12) pitchers for 10 hits en route to the win. Ludlow had three hits and scored twice for PLNU, and Jessica Raposa and Lisa Field each had two hits against the Lancers, who made seven errors. Pitcher Miranda van der Voort (18-1) gave up just four hits and struck out four for the Crusaders.

Tennis

SDSU's women's team clinched its second regular-season Mountain West Con-

ference championship in three years with a 7-0 victory over New Mexico in Colorado Springs. No. 79-ranked Silvia Tornier (14-6) led the way with a 6-2, 6-2 victory at No. 1 singles over Tjasa Suvak.

Men's golf

Junior Lars Johansson shot a third-round 71 and sophomore Mark Warman fired an even-par 72 during the final round of the 51st annual Border Olympics at the Laredo (Texas) Country Club, but it wasn't enough to lift No. 19 SDSU past 26th-ranked Baylor. Johansson finished tied for eighth at 214; Warman was tied for 40th at 222. The Aztecs carded a 6-under 858 while Baylor, led by tournament winner Jamie McLeary's 207, shot an 845.

■ USD is in fourth place after the first round of the Yale Spring Opener on the Yale campus. The Toreros have a team score of 309 and are led by Berry Henson's eighth-best score of 75. Central Connecticut is leading the field at 297, paced by Bob Myles and Petr Skopovy (72).

SAN DIEGO UNION-TRIBUNE

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APR 28 2002



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Local Colleges

Aztecs take the title in MWC men's tennis

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Oliver Maiberger rallied from one-set down to win at No. 1 singles as 28th-ranked San Diego State clinched a 4-1 victory over BYU in the Mountain West Conference Tournament championship yesterday in Las Vegas.

The Aztecs (17-8), who have won seven straight matches, will receive an automatic berth into next month's 2002 NCAA Championships.

The Aztecs team of Maiberger and Ryan Redondo, ranked third nationally, defeated Carlos Lozano and Gert Vilms in a tiebreaker 9-8 (5) to clinch the doubles point. It marked the 11th consecutive match that the Aztecs have claimed the doubles point.

The Cougars fell to 15-9, with three of their losses to the Aztecs.

More tennis

In women's action, SDSU fell for the second consecutive year in the MWC Championship, losing 4-2 to UNLV in Provo, Utah.

The 19th-ranked Rebels (20-3) earned an automatic berth into the NCCA Tournament. SDSU, ranked 28th, will learn Thursday if it will receive an at-large berth into the 64-team field.

SDSU (18-8) had its six-

match winning streak snapped.

Rowing

The SDSU women's varsity eight crew won the Norman P. Miller Cup at Marina del Rey, racing to a time of 7:09.3. USD finished second at 7:10.6 and Loyola Marymount third with a time of 7:19.9.

The win in the varsity eight was one of four grand final victories on the day for the Aztecs. Other top finishes included the novice four (8:47.3), second novice eight (8:16.4) and second varsity eight (7:32.5).

Track and field

The Point Loma Nazarene men's and women's track and field teams each finished second at the Golden State Athletic Conference Championship meet at Azusa Pacific.

The men's team finished with 185.50 points, second to host Azusa Pacific which tallied 243.50 points. Fresno Pacific finished third with a two-day total of 141 points.

On the women's side, Azusa Pacific also took top honors, winding up with 209 points. PLNU finished with 205 points and Fresno Pacific rounded out the top three with 127 points.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA
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Bulletin Board

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■ **HONORS:** USD men's basketball forward **Matt Deizell** was one of 300 student athletes from 1,183 nominations chosen as a representative to the NCAA Foundation Leadership Conference from May 26-30 at Lake Buena Vista, Fla. Deizell, a business major entering his senior season in the fall, has a 3.48 grade-point average, was recently chosen the team's Student-Athlete of the Year and has been named to the West Coast Conference All-Academic basketball team three years in a row.



USD ranges afar for two recruits

By **Hank Wesch**
STAFF WRITER

In a departure from recent norm, USD went both across the country and to the junior college ranks to recruit two players for next season.

Coach Brad Holland yesterday announced the signing of Lawrence Maroney, a 6-foot-6, 190-pound wing from Buffalo, N.Y., and Abdou Sane, a 6-9, 192-pound forward from Senegal, teammates the past two years at Erie Community College in Buffalo.

"One of our goals in recruiting at this time is to try to get a little more athletic," Holland said. "And these two guys are both very good athletes."

"We had them in on a visit and were also impressed with them as people, and we think they're going to fit in well in the program."

Sane has only played organized basketball for two years. Last season he averaged 7.4 points, eight rebounds and four blocked shots while connecting at a 55.7 percent clip from the field. Maroney, who averaged 19.8 points as a freshman, posted averages of 15.1 points, 7.4 rebounds, 4.7 assists and 3.6 steals last season and shot 60.9 percent from the field.

As freshmen, the duo led Erie to a 26-11 record and an eighth-place finish in the national junior college tourna-

ment at Danville, Ill. Erie was 20-11 last season.

Maroney was recruited by Illinois, Louisville, Massachusetts and Georgetown. Sane drew interest from local colleges Niagara and Buffalo plus Tennessee-Martin and a few others.

USD was the only school interested in offering scholarships to both.

"He is almost like my brother," Sane said. "His family has been like my family since I came to Buffalo."

The coaching staff and general atmosphere on campus was a major factor in their decision to come to USD, Maroney said.

"When we visited the feeling was like a big family," Maroney said. "A lot of people were very nice to us. It seemed like a place where you can do what you want to do and grow as a person without a lot of pressure."

Toreros schedule UCLA

USD has signed a contract to play UCLA on Nov. 26 at Pauley Pavilion in Los Angeles as part of a still-incomplete 2002-03 schedule. It will be the second time Holland has taken a team to face his alma mater. In his first season as a Division I coach, Holland's 1992-93 Cal State Fullerton team lost to the Bruins 90-82.

SAN DIEGO UNION-TRIBUNE

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APR 13 2002



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College Basketball

Dakich decides future is at Bowling Green

FROM STAFF AND WIRE REPORTS

Dan Dakich's abrupt departure from West Virginia yesterday leaves more questions than answers.

Dakich quit as West Virginia's coach a week after being hired, a decision the school said was based on a possible NCAA rules violation last season, and returned to Bowling Green.

In a news conference at Bowling Green, Dakich refused to say what led to his decision. He did say he thought about leaving soon after taking the job with the Mountaineers.

Asked directly if the possible NCAA rules violation was the reason he left West Virginia, Dakich said, "No."

"You just don't make a decision that affects you and your family off of one thing," he said. "I am not going to get into all the things that went on."

West Virginia president David Hardesty disagreed.

"I'm kind of disturbed," Hardesty said. "I just don't think it's one thing. I think it's totally Coach Dakich. He went where he felt he needed to go. If it's not a good fit, it's not a good fit."

West Virginia said it was looking into the amateur status of a player on last year's team and had notified the NCAA and the Big East Conference. Hardesty said the violation came to light when Dakich talked to players about the last season.

Fizdale hired at Fresno State

David Fizdale, who spent the last 10 years involved with the USD men's basketball program as a player and assistant coach, has accepted an assistant's job at Fresno State.

Fizdale's duties will include recruiting coordinator and assistant in charge of developing the guards for new coach Ray Lopes. An assistant to Kelvin Sampson at Oklahoma, Lopes was hired April 3 to succeed retiring legend Jerry Tarkanian.

Fizdale, coach Brad Holland's top assistant, informed the USD players after the team's annual awards banquet Thursday and began work at

Fresno yesterday.

"I'm going to miss USD a lot, but this was a great opportunity, which came my way very suddenly," Fizdale said. "I really like what Coach (Lopes) is all about and the university and the community in Fresno are really committed to winning and supporting the program."

Spirit aims to be part of playoffs this time

Quest to build upon last year starts now

By Mark Zeigler
STAFF WRITER

In many ways, the San Diego Spirit was the WUSA's model franchise last season.

It played at USD's Torero Stadium, a cozy venue rimmed by trees and buffeted by ocean breezes. And it routinely played before sellout or near-sellout crowds (the average attendance of 5,714 was 93 percent of capacity).

The local rating for nationally televised WUSA games was 1.0, more than double what the rest of the country got. The local rating for games on Channel 4 San Diego was 1.2, or about 50 percent higher than what the San Diego State men's basketball team drew on the same channel.

Carolina at Spirit

When: Today, 3 p.m.

Where: USD's Torero Stadium.

What: WUSA season opener.

TV: 4 San Diego

Tickets: \$12-\$20. About 2,000 remain.

More coverage: Spirit player profiles and WUSA team capsules. D6-D7

with a hose).

You had a team that played attractive, attacking soccer. You had accessible and articulate players (exhibit A: Julie Foudy) making countless community and media appearances. You had a hands-on general manager in Kevin Crow (he spent yesterday afternoon at Torero Stadium, power-washing the seats

And all of that was great.

Except one thing: The Spirit went 7-7-7 and missed the playoffs.

The Spirit opens its second season today when it hosts the Carolina Courage at 3 p.m. at a newly expanded Torero Stadium, and the focus is squarely on remedying that.

"As a coach and as a franchise, winning is the most important thing," coach Carlos Juarez says. "It's all about winning."

The WUSA, certainly, is more than a soccer league. It is the by-product of a cultural revolution in women's sports, a chance for today's little girls to grow up with athletic role models they can relate to, a chance for women to show the rest of the planet that they can run and sweat and compete just like men.

But at the heart of the league are eight teams of 18 players — 144 women who *hate* to lose.

"It's important for my state of well-being to win," Foudy says. "It's also vital to our organization. It's our way of saying to the fans that we appreciate their support. We

SEE Spirit, D7

Spirit schedule

| DATE | OPPONENT | KICKOFF | TV/TIME |
|----------|-----------------|---------|-------------|
| April 13 | CAROLINA | 3 p.m. | 4 SD/Live |
| April 20 | NEW YORK | 1 p.m. | PAX/Live |
| April 27 | at Boston | 4 p.m. | 4 SD/7 p.m. |
| May 5 | WASHINGTON | 5 p.m. | 4 SD/Live |
| May 12 | at San Jose | 3 p.m. | 4 SD/Live |
| May 19 | PHILADELPHIA | 5 p.m. | 4 SD/Live |
| May 25 | at New York | 1 p.m. | |
| June 1 | ATLANTA | 3 p.m. | 4 SD/Live |
| June 9 | at San Jose | 3 p.m. | 4 SD/Live |
| June 15 | at Washington | 4 p.m. | |
| June 23 | PHILADELPHIA | 5 p.m. | 4 SD/Live |
| June 29 | at Carolina | 4 p.m. | 4 SD/7 p.m. |
| July 6 | BOSTON | 1 p.m. | PAX/Live |
| July 10 | at Boston | 4 p.m. | |
| July 14 | SAN JOSE | 5 p.m. | 4 SD/Live |
| July 20 | at New York | 4 p.m. | 4 SD/Live |
| July 27 | at Washington | 1 p.m. | PAX/Live |
| July 31 | ATLANTA | 7 p.m. | 4 SD/Live |
| Aug. 3 | at Philadelphia | 4 p.m. | 4 SD/Live |
| Aug. 7 | at Atlanta | 4 p.m. | |
| Aug. 11 | CAROLINA | 5 p.m. | 4 SD/Live |

All home games played at USD's Torero Stadium (cap. 7,035)

► SPIRIT

CONTINUED FROM PAGE D1

Zhang should take heat off MacMillan

were out of the playoffs last year when we played Carolina (in the final game) and we still had a packed house.

"We want to give our fans that extra treat."

Most prognosticators think they will. The Spirit starts only one new player today (Chinese forward Zhang Ouying), yet it is picked to finish no lower than third by The Associated Press, *Sports Illustrated for Women* and *Soccer America*.

One major reason is on Page 27 of the team's media guide.

It shows defender Joy Fawcett, dribbling a soccer ball, in a Spirit uniform, fit as can be. A year ago, Fawcett's action photo in the media guide was taken a few months before the season ... when she was more than a few months pregnant.

Fawcett had her third child on June 5 and was back on the field by mid-July. The Spirit's record with Fawcett in the starting lineup: 3-0-3, including convincing wins over WUSA finalists San Jose and Atlanta.

Another reason is the presence of Zhang, a speedy winger who will take the pressure off Shannon MacMillan — second in the league with 12 goals.

Another reason is the schedule, which is set up perfectly to prevent the slow start that buried the Spirit a year ago. Three of the first four games are at home, and just one against a playoff team.

Which the Spirit hopes — even insists — it will be this season.

"With a year under our belt, we can set realistic goals because we know what it takes," Juarez says. "We can set demands for ourselves, and we have. I think about last season every day — we could have, we should have.

"We can't have the same season we had last year. It has to be better. We've put that pressure on ourselves."

Year starts wrong way as 2 own-goals fuel dispiriting loss

By Mark Zeigler, STAFF WRITER

Masterfully knock the ball around the midfield. Outplay the other team. Surrender a late, fluky goal. Lose. Sound familiar?

The San Diego Spirit showed a review of its 2001 season on the stadium video board during half-time of yesterday's opener. Then the team took the field for the second half and re-played it in live action.

Courage 2

Spirit 1

The Carolina Courage won 2-1 before 5,166 at USD's Torero Stadium in a bizarre match that featured two own-goals and probably a third. The winner came in the 87th minute when a cross by Carolina's Danielle Slaton ricocheted off the right shin of defender Joy Fawcett — directly into the Spirit net.

"It's very disappointing," said Spirit coach Carlos Juarez. "We had two really excellent weeks of practice, and I thought that we were going to play well, and for the most part we did. But it's horrible to lose."

Especially like that.

Three of the Spirit's seven losses last season came on

SEE Spirit, C9



The Spirit's Mercy Akide fights Carolina's Erin Baxter (left) for control of the ball as the Courage's Staci Wilson (right) closes in for an opportunity in the teams' WUSA opener. Earnie Grafton / Union-Tribune

▶ SPIRIT

CONTINUED FROM PAGE C1

Just discouraging luck in team's home opener

goals in the final 10 minutes, including a 4-3 decision last May at Carolina. There also was the 75th-minute goal that gave Philadelphia a crucial 1-1 tie late in the season and essentially eliminated the Spirit from the playoffs.

"Yeah, that seems to be a recurring theme," said captain Julie Foudy. "But I feel we're in a much better way than we were last year. I mean, two own-goals? I'm not worried. We just need to turn our luck around and finish some of our chances."

What the score should have been 35 minutes into the match: 2-0, Spirit.

At least.

Mercy Akide and Shannon MacMillan hit almost identical 35-yard blasts that dipped behind Carolina goalkeeper Kristin Luckenbill. Both hit the crossbar and bounced out.

In the 26th minute, MacMillan threaded a pass to a streaking Akide in the penalty area. Akide hesitated slightly, and Carolina's defense was able to converge on her.

In the 34th minute, Akide fed a wide-open MacMillan 15 yards from the goal. Luckenbill charged out and stopped MacMillan's shot.

And in the 36th minute, Carolina forward Danielle Fotopoulos hit a low, hard cross from the left side.

It plunked off the right thigh of Spirit defender Margaret Tietjen and into the net — 1-0, Courage.

San Diego's lone goal came in the 59th minute, and while it was officially credited to Chinese forward Zhang Ouying, it most likely was an own-goal as well.

Zhang, who played well in her WUSA debut, angled a 20-yard shot from the right side that Luckenbill got a hand on. The ball trickled toward the far post as MacMillan and Carolina's Tiffany Roberts chased it. Roberts slid to curl the ball around the left post and over the end line, but MacMillan expertly cut her angle and essentially forced Roberts — and the ball — into the net.

The Spirit, however, seemed to tire after that and Carolina began to press forward in numbers. Slaton, the captain of Santa Clara's NCAA championship team last fall, showed why she was the No. 1 pick in the draft, blurring down the sideline from her left back position and hitting the cross that led to the decisive goal.

"We gritted this one out," said Carolina coach Marcia McDermott. "Quite frankly, I thought San Diego had the better of the play... But both those (crosses) from Fotop and Danielle were really hard to handle. Sometimes you make your

SUMMARY

Courage 2, Spirit 1

| | | | |
|-----------|---|---|---|
| Carolina | 1 | 1 | 2 |
| San Diego | 0 | 1 | 1 |

First half—1, Carolina, own goal (Tietjen), 36th minute.
Second half—2, Spirit, Fan 1 (Foudy), 59th. 3, Carolina, own goal (Fawcett), 87th.
Goals—Carolina, Luckinbill; Spirit, Pagliarulo. Shots—Carolina, 4-4-8; Spirit, 7-9-16. Saves—Carolina, 1-5-6; Spirit, 1-0-1. Fouls—Carolina, 5-5-10; Spirit, 13-10-23. Offside—Carolina, 1-0-1; Spirit 2-1-3. Yellow Cards—Carolina, Fotopoulos (43rd minute).
A-5,166 (7,035).

Power Stats

The Union-Tribune will print a new form of soccer statistics this season following each Spirit home game. Power Stats were developed by Chula Vista resident Carl Hammond and compile a single "power rating" for individual players based on 18 statistical categories. For more information and a detailed breakdown of the Spirit power ratings, visit www.sandiegospirit.com.

| SPIRIT | | | CAROLINA | | |
|------------------------|-----|-----------|----------------------|-----|-----------|
| | Pos | Rating | | Pos | Rating |
| Mercy Akide | F | 16 | Kristin Luckinbill | G | 19 |
| Shannon MacMillan | F | 14 | Danielle Fotopoulos | F | 17 |
| Joy Fawcett | D | 11 | Unni Lehn | M | 11 |
| Julie Foudy-C | M | 9 | Hege Riise | M | 10 |
| Jaime Pagliarulo | G | 8 | Tiffany Roberts-C | D | 8 |
| Shannon Boxx (-85) | M | 8 | Erin Baxter | D | 6 |
| Rhiannon Tanaka | D | 7 | Staci Wilson | D | 6 |
| Fan Yunjie | D | 6 | Danielle Slaton | D | 6 |
| Zhang Ouying (-61) | F | 5 | Nef Fettiq | M | 6 |
| Margaret Tietjen (-68) | D | 3 | Katie Barnes (-73) | F | 5 |
| Jen Mascaro (-65) | M | -2 | Kim Yankowski (-56) | F | -3 |
| Substitutes | | | Substitutes | | |
| Lori Lindsey (+65) | M | 3 | Nicole Roberts (+56) | F | 3 |
| Amy Sauer (+68) | D | 2 | Venus James (+73) | F | 3 |
| Shauna Rohbock (+61) | F | 0 | Totals | | 97 |
| Sherrill Kester (+85) | M | 0 | | | |
| Totals | | 90 | | | |



Jen Mascaro (left) and Carolina's Hege Riise battle for ball. Earnie Grafton / Union-Tribune

own luck."

Particularly when Carolina plays the Spirit. The Courage is 3-0-1 against the Spirit, and 4-12-2 against the rest of the league.

Or put another way: The Spirit is 0-3-1 against the last-place team from the inaugural season and 7-4-6 against the rest of the league.

"It's frustrating," Tietjen said. "We came out strong. We were really excited for this game. We were playing well. For them to get a fluke goal in the first half kind of threw us off. And then we give up another own-goal.

"The way we're looking at it, we're getting all our bad luck out of the way right now."

Notes

Chargers linebacker Junior Seau conducted the pregame coin toss... The Spirit lost for the first time with Fawcett in the starting lineup. It was 3-0-3 last season when she started... All four Spirit newcomers on its 18-woman roster played. Zhang started and lasted 61 minutes before leaving with leg cramps. Lori Lindsey, Amy Sauer and Shauna Rohbock were second-half subs... Backup forward Tara Koleski was sidelined with a strained knee... The Spirit hosts the New York Power at 1 p.m. Saturday... Give San Diego Mayor Dick Murphy credit. Murphy attended the game and predicted on TV that the Spirit would score two goals and Carolina would score one. And sure enough, they did — the Spirit scored two for Carolina and Carolina scored one for the Spirit.

AND NOW, ACT II

WUSA has made some scene changes as curtain is ready to rise again

By Mark Zeigler, STAFF WRITER

The Women's United Soccer Association walked off the beach into America's vast sports ocean last spring. It splashed around for five months, created a few waves and put together what most agree was a sterling inaugural season.

The average attendance was 8,104, about 25 percent higher than projected. There were local and national TV contracts. There were local and national sponsors. There were lines of young girls, all giggles and ponytails, waiting for autographs from their new role models.

That was the easy part.

The hard part begins Saturday when the eight-team WUSA opens its second season with four games, among them the San Diego Spirit against the Carolina Courage at 3 p.m. at USD's Torero Stadium. The hard part is doing all that again, and again and again. The bottom of the ocean suddenly drops off, the water begins rising, the toes begin reaching for sand.

They're in the deep water now. Time to start swimming.

Look through the history of new sports leagues in this country and you find two distinct trends. A promising first season, and a disappointing second one.

"It's no secret that there was a novelty aspect during the first season and there was a pent-up demand to see the heroes from the 1999 Women's World Cup compete against each other in a league format," says WUSA

president and CEO Lynn Morgan. "Ultimately the novelty does wear off and you must build on your core consumer. We need to capture what we did in 2001 and grow that in 2002."

Advice from other start-up leagues: good luck.

Major League Soccer averaged 17,432 in 1996, its inaugural season, and then commissioner Doug Logan boldly predicted it would quickly top 20,000. Instead, MLS slipped to 14,724 in 1997 and hasn't been above that since. It also made the mistake of expanding too quickly, adding two teams in the 1998 season and then subtracting two earlier this year.

WUSA initially set attendance targets for its first five years, showing steady annual growth. The first year's target was 6,500, and it beat it easily.

But those projections are gone, along with the original business plan. If WUSA officials learned anything from the failures of the past, it's that the arcs of expectation and reality don't always intersect.

Instead, the WUSA quietly evaluated its problems and sought solutions.

"The first year," Morgan says, "was certainly a learning experience."

PROBLEM: The league received a disappointing 0.4 national TV rating with weekly telecasts on different networks (TNT and CNN/SI) at unfavorable times (many games were at noon Eastern time, when potential viewers were playing soccer). **Solution:** Sign a new contract with the PAX network that will air games every Saturday at 4 p.m. (EDT). Smart move.

CNN/SI recently went out of business.

Problem: The league burned through a good chunk of the initial \$40 million investment, partly because of a pricey Manhattan address for its league headquarters. **Solution:** Move into the Atlanta offices of Cox Enterprises, one of its investors, and adopt a leaner business plan.

Problem: Some stadiums were too big or too small or were the right size but had bad fields.

Solution: Four of the league's eight teams made stadium improvements in the offseason, ranging from widening and expanding Torero Stadium to finding new homes altogether for Atlanta and Carolina. Philadelphia had old-school artificial turf; now it has state-of-the-art sports turf that looks and feels and plays like real grass.

"The big thing is, it was so hard throwing everything together that first year," says Spirit captain Julie Foudy, who sits on the league's board of directors. "We weren't all that organized. We had owners who weren't experienced in sports, and we didn't have a lot of time."

"Now there's much more of a calm and confidence that we've got a year under our belt and we know what we're doing."

Adds Spirit forward Shannon MacMillan, who spent the offseason in San Diego with her teammates tirelessly making community appearances: "This year is definitely more challenging. You look back at last season and see how exciting it was for people who came to our games. The test is going to be to see if we can get those people to come back."

The swim meet begins Saturday.

SAN DIEGO UNION-TRIBUNE

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The San Jose CyberRays are set to defend their inaugural WUSA championship. *Jamie Squire / Getty Images*

What's new

Changes in the WUSA this season:

TV: Weekly games on PAX instead of TNT and CNN/SI. (Spirit games are still televised locally by Cox 4.)

Stadiums: Atlanta and Carolina have new venues. The Spirit's Torero Stadium was widened from 66 to 70 yards and expanded from 6,155 to 7,035 seats.

Headquarters: Moved from Manhattan to Atlanta to save money.

Leadership: Lynn Morgan, previously the GM of the Atlanta Beat, replaced Barbara Allen as WUSA president and CEO.

Players: 13 star foreigners were signed, including forward Zhang Ouying by the Spirit.

Names: Inaugural champion Bay Area CyberRays are now the San Jose CyberRays.

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